SPECULUM

A JOURNAL OF MEDIAEVAL STUDIES

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THE MEDIAEVAL ACADEMY OF AMERICA

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SPECULUM
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LATIN LITERATURE UNDER FREDERICK II

By CHARLES HOMER HASKINS

THE personality and influence of the Emperor Frederick II have long constituted a fascinating problem for the historian.[1] *Stupor mundi* to his contemporaries, to Nietzsche he is still a *Rätselmensch*, along with Alcibiades, Caesar, and Leonardo da Vinci, 'the first of Europeans according to my taste'[2] — one of the interesting men who will be absent from the Christian Heaven.[3] Poet, philosopher, zoölogist, observer, experimenter, sportsman, enlightened legislator yet persecutor of heretics, intimate friend of Jews and Mohammedans, master of many tongues and devotee of all sorts of learning, he seemed a universal genius, *universale in tutte le cose*. 'Had he but loved God and his church and his own soul,' says his contemporary Salimbene,[4] 'he would have had few equals.' Early, too, he became the theme of legend, identified with Antichrist by ecclesiastical writers, so that even Dante finds him burning in Hell with the Epicurean heretics, while in popular tradition he forms the nucleus of the German *Kaisersage*, as he sleeps in his enchanted cavern in the mountains awaiting the fateful day when he and his

[1] See the excellent sketch of Karl Hampe, *Kaiser Friedrich II. in der Auffassung der Nachwelt* (Stuttgart, 1925). There has since appeared the stout volume of E. Kantorowicz, *Kaiser Friedrich der Zweite* (Berlin, 1927), stimulating but highly systematic and as yet giving no evidence for its assertions.

[2] *Beyond Good and Evil*, tr. Helen Zimmern (New York, 1923), c. 200.

[3] *Werke* (Leipzig, 1885–1926), XVI, 291; cf. VIII, 310; XIII, 327, 335, 337; XV, 22.

[4] Ed. O. Holder-Egger, in *M. G. H., SS.*, XXXII, 349.

knights shall come down to restore the Empire and deliver the oppressed. This many-sided figure has been variously judged from the different points of view of Empire or Papacy, Germany or Italy, scepticism or belief, politics or culture. Scholars still discuss whether he belongs to the Middle Ages or the Renaissance, to the beginning or end of an epoch, to his own time or to all time, ageless and universal.

On the whole, understanding of Frederick has grown with understanding of the Middle Ages, especially as we see him in the light of the Sicilian tradition of his grandfather, Roger II, in his relations with the Arabic culture of his own epoch, and against the background of thirteenth-century Italy.[1] In attempting to fill in something more of this Italian background, we must be careful not to regard the Emperor as a merely Italian phenomenon, even as others have misunderstood him by judging him only as a German ruler. By the very fact of his Sicilian inheritance Frederick was born into the centre of Mediterranean politics and civilization, while the imperial dignity and the German kingship gave him a European position beyond the Alps as well. So cosmopolitan a personage inevitably left his impress in many languages. Thus Frederick is a clear figure in the Arabic writers of his time, as well as in his own scientific and diplomatic correspondence with Mohammedan sovereigns. The Jewish translator, Jacob Anatoli, praises Frederick as a 'friend of wisdom and its votaries,' and hopes the Messiah may come in his reign.[2] A king whose laws had to be issued in a Greek version for the benefit of his Greek-speaking subjects might well expect to be eulogized by Greek poets of Southern Italy such as John of Otranto and George of Gallipoli,[3] while his passing is mourned for Eastern Greeks in a funeral oration by Theodore Lascaris.[4] In the Western vernaculars, he is celebrated by Provençal troubadours and German minnesinger and reflected in the Sicilian verse of his own

[1] See, in general, H. Niese, 'Zur Geschichte des geistigen Lebens am Hofe Kaiser Friedrichs II.,' *Historische Zeitschrift*, CVIII (1912), 473–540; and for palace life, A. Haseloff, *Die Bauten der Hohenstaufen in Unteritalien* (Leipzig, 1920 ff.).

[2] See my *Studies in the History of Mediaeval Science* (2d ed., Cambridge, 1927), pp. 251–253.

[3] K. Krumbacher, *Geschichte der byzantinischen Litteratur* (2d ed., Munich, 1897), p. 709.

[4] J. B. Pappadopoulos, *Théodore II Lascaris* (Paris, 1908), pp. 183–189; Βυζαντίς, II (1912), 404–413.

Magna Curia, some of which apparently bears his own name.[1] Nevertheless, in Frederick's time Latin was still predominantly the language of history and law, of education and learning, and even of much imaginative writing, and it is in the Latin literature of his age that we may look to find the fullest reflection of this many-sided personality. Something of this was directly called forth or encouraged by Frederick himself, on the part of members of his court or others; something he occasioned indirectly as the object of attacks from his enemies; while still more treated him but incidentally as one of the prominent men of his generation. We shall try to bring together some facts concerning the literature to which he gave positive encouragement, particularly in his southern kingdom, with some reference to that which was produced by way of hostile reaction, in the hope of understanding somewhat better the condition of Latin literature in the Italy of the thirteenth century, in relation to the age which followed as well as to Frederick himself.

To speak of Frederick II as a patron of literature and learning may easily give rise to a false impression, as if he represented the common type of Maecenas which satisfies its intellectual interests vicariously, by hiring writers and scholars rather than by personal effort. Whatever Frederick did, he did with his might, and his own initiative and participation are as apparent in discussion and experiment [2] as they are in war and sport. His autocratic government and large revenues gave him resources for pursuing his inquiries, but they did not set him apart from his helpers and associates. Everything points to Frederick as the most active force of the court as well as its superior intelligence.

[1] References on the vernacular writers of Frederick's time are conveniently brought together by E. H. Wilkins, 'The Origin of the Canzone,' in *Modern Philology*, XII (1915), 135–166; for Provençal relations, cf. G. Bertoni, *I trovatori d'Italia* (Modena, 1915), pp. 25–27; O. Schultz-Gora, *Ein Sirventes von Guilhem Figueira gegen Friedrich II.* (Halle, 1902), pp. 33–38. The latest account of the Sicilian school is G. A. Cesareo, *Le origini della poesia lirica* (2d ed., Milan, 1924). For a critical edition and discussion of the poems ascribed to Frederick himself, see H. H. Thornton, in SPECULUM, I (1926), 87–100; II (1927), 463–469.

[2] For an illustration, see the questions addressed by the Emperor to Michael Scot, published and translated in my *Mediaeval Science*, pp. 266–267, 292–294; reprinted and discussed, with a German version, by Hampe, in *Festgabe für W. Goetz* (Leipzig, 1927), pp. 53–66, who proposes to date them 1227. Cf. E. F. Jacob, in *History*, XI (1926), 243; and Kantorowicz, *Kaiser Friedrich der Zweite*, pp. 323 ff.

Accordingly, we must remember at the outset that Frederick was himself a Latin author, quite apart from whatever Latin writings he may have directed or inspired. Latin style was probably one of the subjects in which as a youth he received instruction from Willelmus Francisius,[1] and we later hear of Latin orations [2] as well as Latin writings from his pen. How far he was himself affected by the baroque Latin of the South it is impossible to say, for the pompous language of his legislation doubtless owes less to the Emperor than to his jurists and secretaries, nor can we safely seek his personal touch in what the Pope called the *dictatoris facunditas* [3] of the correspondence which emanated from his chancery. In the one work which is clearly Frederick's, the treatise on falconry (*De arte venandi cum avibus*),[4] the treatment is matter-of-fact, the style simple and unadorned, with some looseness and repetition and much evident influence of the vernacular, for whose technical terms he has difficulty in finding Latin equivalents. Such glimpses of the real Frederick do not, however, suffice to prove that he may not have indulged in fine writing on other occasions or that he looked with disfavor upon the Latin which his legislation borrowed from the *Code* of Justinian. Indeed an autocrat who cut off the thumb of a notary for misspelling his name [5] is not likely to have tolerated a style foreign to his taste. Save in the *De arte*, we cannot distinguish the imperial Latin from that of Piero della Vigna and the other jurists and notaries of the court.

Respecting Frederick's encouragement of learning, the chronicler who passes by the name of Nicholas of Iamsilla, and who was perhaps a notary of Manfred,[6] tells us that at Frederick's accession there were few or no scholars in the Sicilian kingdom, and that it was his task by liberal rewards to attract masters from various parts

[1] Hampe, in *Mittheilungen des Instituts für oesterreichische Geschichtsforschung*, XXII (1901), 575–599; and in *Historische Zeitschrift*, LXXXIII (1899), 8–12.

[2] Niese, in *Historische Zeitschrift*, CVIII, 532.

[3] Bull of Gregory IX, 15 July, 1233. J. L. A. Huillard-Bréholles, *Historia diplomatica Friderici secundi* (Paris, 1852–61), IV, 444.

[4] See *Mediaeval Science*, ch. 14, and the forthcoming edition of J. Strohl.

[5] Salimbene, p. 350.

[6] L. A. Muratori, *Rerum Italicarum scriptores* (Milan, 1723–38), VIII, 495–496. Cf. A. Karst, in *Historisches Jahrbuch*, XIX (1898), 1–28.

of the earth. Concerning literature the classical passage is one in Dante's *De vulgari eloquentia* [1] which celebrates Frederick and his son Manfred — in intellectual history the two reigns belong together — as the illustrious heroes who, while fortune permitted, disdained lower occupations and followed humane pursuits, 'wherefore those of noble heart and gracious endowment tried to follow their majesties, so that whatever in their time the excellent minds of the Latins strove to produce, first saw the light in the court of these rulers.' Dante, however, is speaking from the point of view of vernacular letters, and the glory of the *Magna Curia* as the cradle of Italian poetry is sufficiently attested by the long list of Sicilian poets who held office under Frederick, not to mention his specific aid to German and Provençal versifiers. On the Latin side Frederick's court is less well known, but it must form the starting-point of our inquiry. Let us begin with a rough list of the Latin works known to have been dedicated to the Emperor or written by members of his court: [2]

1. Michael Scot, court philosopher from *ca.* 1227 to his death shortly before 1236, dedicated to Frederick (*a*) *Abbreviatio Avicenne de animalibus*, before 1232; and, after 1228, his three treatises on astrology and related matters: (*b*) *Liber introductorius*; (*c*) *Liber particularis*; and (*d*) *Physionomia*. See my *Studies in Mediaeval Science*, ch. 13; 'Michael Scot in Spain,' in *Homenaje A. Bonilla y San Martín* (Madrid, 1927); 'The Alchemy Ascribed to Michael Scot,' in *Isis*, X (1928).

2. Theodore of Antioch, court philosopher and Arabic secretary, probably succeeding Scot, and mentioned from 1238 till his death in or just before 1250, prepared for the Emperor's benefit (*a*) a treatise on hygiene extracted from the *Secretum secretorum* of the Pseudo-Aristotle; and (*b*) a translation of Moamyn, *De scientia venandi per aves*, corrected by the Emperor in 1240–41. See my *Mediaeval Science*, pp. 246–248, 318 f.

3. Piero della Vigna, judge of the *Magna Curia* (1225–47), logothete and protonotary (1247–49). More or less doubtful letters addressed to the Emperor, including a eulogy (*Epp.*, iii, 44). See Huillard-Bréholles, *Vie et correspondance de Pierre de la Vigne* (Paris, 1865); and the literature cited below.

[1] i, c. 12.

[2] Cf. the longer list which I have drawn up for Henry II of England: *Essays Presented to Thomas Frederick Tout* (Manchester, 1925), pp. 71–77, to which may be added the medical treatise of Daniel Churche (E. Faral in *Romania*, XLVI (1920), 247–254).

4. Terrisio di Atina, professor of rhetoric at the University of Naples. Poem addressed to the Emperor requesting a reform of judicial abuses. Edited in part by E. Winkelmann, *De regni Siculi administratione* (Berlin, 1859), pp. 55–56; completely by G. Paolucci, 'Documenti inediti sulle relazioni tra chiesa e stato nel tempo Svevo,' pp. 21–23, in *Atti* of the Palermo Academy, 3d ser., V (1900), and by F. Torraca, 'Maestro Terrisio di Atina,' in *Archivio storico per le province napoletane*, XXXVI (1911), 251–253.

5. Petrus de Ebulo, court poet of Henry VI, to whom he dedicated the *Liber ad honorem Augusti* (see E. Rota's edition in the new edition of Muratori's *Rerum Italicarum scriptores*, XXXI, and G. B. Siragusa's in *Fonti per la storia d'Italia*, XXXIX), and probably the 'magister Petrus versificator' whom Frederick mentions as dead by 1220; addresses to Frederick, 'Sol mundi,' 1211–20, a poem on the baths of Pozzuoli. A lost history, *mira Federici gesta*, to which he refers, seems to have dealt with Frederick Barbarossa. See R. Ries, *Mitteilungen des Instituts*, XXXII (1911), 576–593, 733, and the works there cited.

6. Adam, chanter of Cremona, *Tractatus de regimine iter agentium vel perigrinantium*. With preface dedicated to Frederick *ca.* 1227. Ed. Fritz Hönger, *Aerztliche Verhaltungsmassregeln auf dem Heerzug ins Heilige Land für Kaiser Friedrich II. geschrieben von Adam von Cremona* (Leipzig diss., 1913).

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(1256–75). L. Delisle, *Inventaire des manuscrits de la Bibliothèque Nationale: Fonds de Cluni* (Paris, 1884), p. 379.[1]

Such a list must in the nature of the case be far from a complete enumeration of the writers who can claim Frederick as their patron, but it is none the less significant and, to a certain extent, typical, both for what it contains and for what it omits. That most of these works should treat of science, or what then passed for science, is of course consonant with all that we know of the Emperor's tastes and experimental habit of mind, as revealed more fully in his own treatise on falconry and his scientific correspondence and questionnaires. Similarly the books on falconry and hunting are indicative of his well known love of sport. Neither of these aspects of his intellectual interests need detain us here, for they have been already studied elsewhere.[2] So we are prepared to find translations of scientific and philosophical writings, indeed Frederick's reputation as a promoter of translation from the Arabic would lead us to expect more of such versions than can actually be traced to his influence, even if we add to the versions of Michael Scot and Jacob Anatoli the pseudo-Aristotelian and astrological writings turned into Latin in Sicily at the command of King Manfred. The importance of Frederick's court as a centre of translation has plainly been exaggerated.[3]

On the other hand, the absence of any books of history is surprising. Recent investigation will have it that an important Ghibelline source for this reign has been lost in the work of Bishop Mainardino da Imola, who stood in close relations to Frederick and his court, and there may be other such losses to mourn.[4] There is, however, no evidence that Frederick II encouraged an official historiography

[1] Cf. the various works which purport to have been translated into French for Frederick: *Mediaeval Science*, p. 254; Ch.-V. Langlois, *La connaissance de la nature et du monde* (Paris, 1927), pp. 198–208.

[2] *Mediaeval Science*, chs. 12–14; 'The Latin Literature of Sport,' SPECULUM, II (1927), 235–252.

[3] *Mediaeval Science*, pp. xiv, 260–261, 269–270.

[4] P. Scheffer-Boichorst, *Zur Geschichte des XII. und XIII. Jahrhunderts* (Berlin, 1897), pp. 275–283; F. Güterbock, 'Eine zeitgenössische Biographie Kaiser Friedrichs II.,' in *Neues Archiv*, XXX (1905), 35–83; Hampe, *Kaiser Friedrich II. in der Auffassung der Nachwelt*, pp. 7, 60.

in any sense parallel to that which flourished under Frederick Barbarossa, and to the paucity of Ghibelline histories we owe not only the predominantly hostile tone of the sources toward Frederick but also the scantiness of the record for many important phases of his reign. Frederick not only had a poor press among his contemporaries, there were times when he had no press at all. His light went out suddenly in the midst of his career, and, as we see from the unfinished state in which he left his own work on falconry, there was no period of peaceful repose at the end when an account of his reign might have been rounded out with the Emperor's approval. Nor did the next generation labor to fill this gap, for Frederick's line came to a swift end with Manfred and Corradino, and their Angevin enemies and successors had no desire to brighten its posthumous renown. For all succeeding generations Frederick's reputation was to suffer from the lack of any official biography. Furthermore, as Hampe has pointed out,[1] the ecclesiastical opponents of Frederick remained in possession of the historical field, and shaped the record in the great Guelfic compilations of the Franciscans and Dominicans, in which the whole life of the Emperor gets its color from the bitter controversies of his later years, when he took on the semblance of Lucifer and Antichrist. The influence of Frederick on the writing of history was mainly the stimulus of opposition, and the phrases of the historians go back to the fulminations of Gregory IX and Innocent IV and the pamphleteers of their time.[2]

The answer to these, so far as there was an answer, lies in Frederick's own state papers, as drafted in large measure by his judge and secretary, Piero della Vigna.[3] The well known characterization of Dante, who makes Piero hold the keys to Frederick's heart, locking and unlocking it at his pleasure,[4] is matched by an earlier Latin

[1] Hampe, *op. cit.*, pp. 9–13.

[2] Friedrich Graefe, *Die Publizistik in der letzten Epoche Kaiser Friedrichs II.* (Heidelberg, 1909).

[3] See, besides the old editions of S. Schard (Basel, 1566) and J. R. Iselius (Basel, 1740), Huillard-Bréholles, *Vie et correspondance de Pierre de la Vigne* (Paris, 1865), who describes 82 MSS.; and cf. G. Hanauer, in *Mittheilungen des Instituts*, XXI (1900), 527–536; and H. Kantorowicz, *ibid.*, XXX (1909), 651–654. On Piero's family, see the document recently published by Mattei Cerasoli, in *Archivio storico per le province napoletane*, XLIX (1924), 321–330.

[4] *Inferno*, xiii, 58 ff.

eulogy by Piero's friend Nicola della Rocca.[1] What Piero closes, he says, 'none can open, and what he opens none can close.' He is another Moses who brought back the law from the Mount, another Joseph to whom the Emperor commits the government of the round earth, another Peter, a rock of security who has not denied his Lord. The letters of Piero are naturally a prime source for Frederick's reign on the intellectual no less than on the political side, indeed their preservation, as they were copied and recopied for two centuries as models of Latin style, is due mainly to literary reasons. These collections, of which perhaps one hundred and fifty manuscripts are known, still await a comprehensive and critical edition. They differ widely in content and arrangement, containing many personal letters and exercises of Piero as well as a mass of official correspondence in the Emperor's name, not to mention some letters of Piero's friends and some pieces which are obviously posterior to his death in 1249.

Whether literary or legal in content, these letters bear the impress of Piero's style, which also appears in the body of the Emperor's constitutions. 'Piero,' says Odofredus, 'spoke obscurely and in the grand manner,'[2] using as he did so the artificial and overladen rhetoric of the Capuan school. The importance of this Capuan group in furnishing secretaries and other officials for the Hohenstaufen court has been made clear by the researches of Hampe and others, but its literary history has still to be written.[3] When it is written, there can be little doubt that Piero will be the most important member, by reason of his individual position and his influence on his own and succeeding generations. Kantorowicz goes so far as to call him the greatest Latin stylist of the Middle Ages and the last creator in the Latin tongue;[4] at least his style was much admired by contemporaries and retained a hold upon letter-writing until it was driven out by the Ciceronians. In any case Piero is the

[1] In Huillard-Bréholles, *op. cit.*, p. 290.

[2] *Mittheilungen des Instituts*, XXX, 653, note 1.

[3] Cf. Hampe, *Beiträge zur Geschichte der letzten Staufer: Heinrich von Isernia* (Leipzig, 1910), p. 34.

[4] *Kaiser Friedrich der Zweite*, pp. 275, 276.

central figure in the Latin literature of Frederick's reign, when 'he made the chancery a school of formal style.' [1]

Two of Piero's associates represent the same style and school. One of these, Nicola della Rocca, author of more than a score of letters in the collection, including the eulogy of Piero from which we have already quoted, is in relations with various high officials, and himself solicits an appointment as notary at the *curia*.[2] He also requests permission to give a public course on the *ars dictaminis*, perhaps at Naples. The other, Master Terrisio of Atina, is connected not only with the Emperor but with Naples and its new university by various compositions which range from a eulogy of Master Arnold the Catalan, late professor of philosophy, to a letter suggesting that the students appease this 'terror' (Terrisius) of the schools by suitable presents in Lent:

> Est honestum et est bonum
> Ut magistro fiat donum
> In hoc carniprivio.[3]

Certain of these epistolary collections of the Capuan school fall too early [4] or too late [5] for our purpose, but others illustrate various aspects of Frederick's time. If Cardinal Thomas of Capua (d. 1239) belongs rather to the papal than to the imperial party, his much copied letters are still of considerable importance for the age in general.[6] Much fresh material for Frederick's early years has been found by Hampe in a Capuan letter-writer preserved at Paris,[7] in-

[1] Niese, in *Historische Zeitschrift*, CVIII, 526.

[2] Huillard-Bréholles, *op. cit.*, nos. 73–97, pp. 368–394.

[3] Torraca, 'Maestro Terrisio di Atina,' *Archivio storico per le province napoletane*, XXXVI (1911), 231–253.

[4] P. Kehr, 'Das Briefbuch des Thomas von Gaeta,' *Quellen und Forschungen aus italienischen Archiven*, VIII (1905), 1–76.

[5] Hampe, *Beiträge zur Geschichte der letzten Staufer: Heinrich von Isernia* (Leipzig, 1910); K. Rieder, 'Das sizilianische Formel- und Aemterbuch des Bartholomäus von Capua,' *Römische Quartalschrift*, XX (1906), 2, pp. 3–26.

[6] The elaborate Heidelberg dissertation of Frau Emmy Heller (1927) remains unpublished. On Thomas as the probable author of the earliest formulary of the papal penitentiary (ed. H. C. Lea, Philadelphia, 1892), see my discussion in the *American Journal of Theology*, IX (1905), 429–433; and in the *Miscellanea Francesco Ehrle* (Rome, 1924), IV, 275–296.

[7] *Sitzungsberichte* of the Heidelberg Academy, phil.-hist. Kl., 1910, nos. 8, 13; 1911, no. 5; 1912, no. 14; 1924, no. 10; *Historische Vierteljahrschrift*, IV (1901), 161–194; VII (1904), 473–487; VIII (1905), 509–535; *Zeitschrift für die Geschichte des Oberrheins*, n.s., XX (1905), 8–18.

cluding a description of the young king about the age of thirteen, 'in appearance already a man and in character a ruler.' [1] There is another collection at Rheims which has been studied by various scholars,[2] and still another at Pommersfeld.[3]

Another collection of letters from the South in this period, preserved in a manuscript of *ca.* 1400 at Lübeck, still awaits detailed study, although it was described by Wattenbach in 1853.[4] The letters belong to the time of Frederick II and Gregory IX and centre about Naples, Ischia, and Gaeta, while the name of Iohannes de Argussa, *notarius et curialis* of Ischia, occurs with sufficient frequency to suggest that he had a hand in the making of the collection. We also meet with a certain R., professor of grammar at Naples and teacher of *dictamen tam metricum quam prosaicum*,[5] a training which Iohannes seeks for his sons as a preliminary to the study of 'physical science' with his brother R. Pictus: [6]

Meritissimo d[o]ctori carissimo fratri suo plurimumque ad omnia diligendo R. Picto egregio magistro studii fisicalis magister Iohannes de Argussa eius frater valde devotus salutem et videndi desiderium. Si personarum absencia et diversorum locorum distancia nos sequestrant, mens eadem viget in nobis et dilectio permanet illibata. Licet enim pro variis et diversis negociis desiderabilem personam vestram videre non possim, in sompnis et vigiliis ymaginando vos video et intrinsecus affectibus intuemur. Unum tamen semper et incessanter expecto, de salute vestra et iocundis successibus rectati, ut autem mei status integritas vos letos efficiat et iocundos. Noveritis me divini muneris gratia, a quo bona cuncta procedunt, iocunda corporis alacritate potiri et optatis eventibus iocundari,

[1] *Mittheilungen des Instituts*, XXII (1901), 598.

[2] *MS. 1275.* See C. Rodenberg, in *Neues Archiv*, XVIII (1893), 179–205; W. Wattenbach, *ibid.*, 493–526; Hampe, in Heidelberg *Sitzungsberichte*, 1913, no. 1; 1917, no. 6; *Historische Vierteljahrschrift*, XXI (1924), 76–79; and in *Festgabe Friedrich von Bezold* (Bonn, 1921), pp. 142–149.

[3] Hampe, in Heidelberg *Sitzungsberichte*, 1923, no. 8.

[4] 'Iter Austriacum 1853,' in *Archiv für Kunde österreichischer Geschichts-Quellen*, XIV (1855), 33, 52–55. Cf. now Hampe, in Heidelberg *Sitzungsberichte*, 1917, no. 6; 1923, no. 8. The MS., which is quite corrupt, is no. 152 at Lübeck, from which I have specimen photographs through the kindness of the Director of the Stadtbibliothek.

[5] Wattenbach, *loc. cit.*, p. 33.

[6] Lübeck, *MS. 152*, fol. 165. On fol. 166, the sons write home for money. Cf. the letter of condolence on fol. 163 beginning: 'Fratribus suis carissimis Ber. et A. et ceteris consanguineis plurimum diligendis Iohannes de Ar. dictus magister insula Ice magister et publicus notarius constitutus.'

quod de vobis semper prestolor et expecto. Verum quia R. et N. filii mei, quos litterali scientie proposui penitus exhibendos, sine vestro auxilio ad optatum nequeunt pervenire effectum, dilectionem vestram, de qua plenam gero fiduciam, attentius deprecor et exoro quatinus inveniatis eis, si placet, magistrum ydoneum qui eos promoveat in grammatica et rethorica, quibus sufficienter indictis ad fisicalem scientiam eos inducere valeatis.

The fictitious nature of much of this collection is enhanced by bits of pure fancy, on themes which often go back to the Orleanese *dictatores* of the twelfth century.[1] Thus we here find exchanges between Life and Death, Soul and Body, the Universe and the Creator,[2] while a more satiric turn appears in the salutation *fornicacioni vestre* in place of the regular *fraternitati vestre* in a letter of Gregory IX to his prelates.[3] One example will illustrate the literary style as well as the general manner of these epistles; the use of the *ubi sunt* motif may be noted:[4]

Corpus separatum scribit anime

Corpus miserum omni solacio destitutum anime olim sue consocie et sorori pro salute tristiciam et merorem. Pene terribiles et tormenta varia me cohercent, bonis omnibus exuor, et humo glaciali frigore contremisco dum me video nudum terre humatum quam dum modo floreneam(?) conculcavi. Heu me, ubi est gloria mea? Ubi est dies nativitatis mee valde iocunda? Ubi sunt dulcissima matris ubera que sugebam et basia patris mei in puericia dulciter explorata? Ubi sunt iocunda parentum gaudia in meis nupciis feliciter dedicata, in quibus diversi cantus exierant et varia genera musicorum? Ubi est uxor pulcherrima velud stella cum qua cottidie lecto florido amplexibus et basiis delectabar? Ubi sunt equi arma et indumenta serica deaurata quibus cum militibus decorus cottidie apparebam? Ubi sunt varia fercula et vina gratissima quibus cottidie dulciter epulabar? Nunc autem me video miserum putridum sub terra iacentem variis plenum vermibus et fetentem. Sufficit ergo mihi ingens tribulacio mea. Dimitte me, rogo, ut paululum requiescam, nam cum in die iudicii te suscepero pene mi sufficient et tormenta. Si quid enim malum me memini commisisse, te operante et te duce nequiter adimplevi.

[1] E.g., Bibliothèque Nationale, *MS. Lat. 1093*, foll. 68–69; Haskins, *The Renaissance of the Twelfth Century* (Cambridge, 1927), pp. 142–145.

[2] Lübeck, *MS. 152*, foll. 162v–163r; Wattenbach, 'Iter,' pp. 54–55.

[3] Lübeck, *MS. 152*, fol. 164r; Wattenbach, p. 55, where the text should read: 'ut in Cena Domini nostro vos conspectui presentetis.'

[4] Lübeck, *MS. 152*, fol. 163r.

Such products of the imagination also meet us among the letters ascribed to Piero della Vigna and Terrisio di Atina: the wild beasts of Apulia celebrate a closed season proclaimed by the Emperor; [1] the courtesans of Naples complain to the university professors of their neglect by the students; [2] Rome writes to her daughter, Florence; [3] the qualities of an ideal horse are described; [4] writers debate the relative merits of birth and character, the rose and the violet.[5] The following satire on the power of money takes the form of parody of an imperial letter: [6]

Epistola notabilis de pecunia

Pecunia Romanorum imperatrix et totius mundi semper augusta dilectis suis filiis et procuratoribus universis salutem et rore celi et terre pi[n]guedine [7] habundare. Ego in altissimis habito,[8] in plateis do vocem meam,[9] girum celi circuivi sola,[10] feci surdos audire et mutos loqui.[11] Amen dico vobis, antequam Abraham fieret ego sum [12] in vestitu deaurato circumdata varietatibus.[13] Ego, inquam, sum illa preeminens imperatrix per quam genus humanum respirat ad gloriam, per quam multiplicata bonorum fecunditas exhibetur. Esurientes implevi bonis,[14] suscitans a terra inopem et de stercore erigens pauperem.[15] O vos omnes qui transitis per viam, attendite et videte si est honor sicut honor meus; [16] michi enim supplicant omnes reges terre et omnes populi, michi Romana curia famulatur. Ibi est requies mea in seculum seculi, hic habitabo quoniam preelegi eam.[17] Que maior letitia michi posset accidere quam ut cardinales michi colla subiciant et currant in odorem unguentorum meorum? [18] Levate in circuitu oculos vestros et videte [19] quia sacrorum verba pontificum (fol. 43v) sedium suarum per me posuit asti,[20] per me tremit, per me vacillat, per me concutitur orbis

[1] Edited by Wattenbach, 'Über erfundene Briefe in Handschriften des Mittelalters,' in *Sitzungsberichte* of the Berlin Academy, 1892, pp. 91–123.

[2] Ed. G. Paolucci, pp. 46–47, in *Atti* of the Palermo Academy, 3d ser., IV (1897); *Archivio storico per le province napoletane*, XXXVI, 248–250.

[3] *MS. Vat. Lat. 4957*, fol. 96v.

[4] *Ibid.*, fol. 42r.

[5] Huillard-Bréholles, *Pierre de la Vigne*, pp. 319, 336.

[6] *MS. Vat. Lat. 4957*, fol. 43r–43v.

[7] Genesis, xxvii, 39.

[8] Ecclesiasticus, xxiv, 7.

[9] Proverbs, i, 20.

[10] Ecclesiasticus, xxiv, 8.

[11] Mark, vii, 37.

[12] John, viii, 58.

[13] Psalms, xliv, 10.

[14] Luke, i, 53.

[15] Psalms, cxii, 7.

[16] Lamentations, i, 12.

[17] Psalms, cxxxi, 14.

[18] Canticles, iv, 10.

[19] Isaiah, lx, 4.

[20] Text corrupt.

terrarum et universi qui habitant in eo.[1] Et quis enarrabit potencias meas?[2] Michi gremium suum non claudit ecclesia, michi summus pontifex aperit sinus suos et quotiens ad eum accedere voluero totiens in sinu suo colliget[3] et dextera illius amplexabitur me.[4] Transite igitur ad me omnes qui diligitis nomen meum et beatitudinibus meis implemini. Transite igitur, dico, ne sitis obprobrium homini et abiectio plebis,[5] non sequentes eos qui Christi vestigia sunt secuti, argentum suum expendebant non in panibus, laborem suum non in saturitate.[6] Accedite,[7] filii mei, et illuminemini et facies vestre non confundentur. Ego enim sum lux illa que illuminat omnem hominem venientem in hunc mundum,[8] et vos quidem non estis hospites et advene sed estis cives sanctorum, vel nummorum, et domestici mei,[9] quos diu diligere didicistis. Iam non plura loquor vobiscum,[10] sed tamen concludo dum explicit sermo meus quia sinam vos. Dabo vobis de rore celi et de pi[n]guedine terre habundanciam[11] quam vobis conservare dignetur nostra nutrix dulcissima, scilicet avaricia, rerum timidissima dispensatrix.

Heavy with scriptural quotation, this letter suggests that earlier masterpiece of anti-clerical satire, the *Gospel according to Marks of Silver*,[12] to which it is, however, much inferior. The following, on the other hand, is strongly anti-imperial:

Fr[idericus] XXXVIIII., divina ingratitudine Remalorum depilator et semper angustus, Ierusalem et Sicilie reus, universis fidelibus suis presentes apices generaliter inspecturis illam quam lupus capre salutem. . . .[13]

The letters of Master Terrisio and John of Argussa remind us that the Southern rhetoricians were in relations with the University of Naples as well as with the *Magna Curia*, indeed it was part of the Emperor's purpose that his new university should train men for

[1] Psalms, xxiii, 1. [2] Job, xxxviii, 37; Psalms, cv, 2. [3] MS. *colligat*.
[4] Canticles, ii, 6; viii, 3. [5] Psalms, xxi, 7.
[6] MS. *santitate*. Isaiah, lv, 2. [7] MS. *attendite*. Psalms, xxxiii, 6.
[8] John, i, 9. [9] Ephesians, ii, 19.
[10] John, xiv, 30. [11] Genesis, xxvii, 39.

[12] Ed. P. Lehmann, *Parodistische Texte* (Munich, 1923), no. 1 a; for a translation, see Haskins, *The Renaissance of the Twelfth Century*, pp. 185–186.

[13] Printed in full by Hampe in *Neues Archiv*, XXII (1897), 619–620, from *Add. MS. 19906*, fol. 79v, of the British Museum, where it is followed by developments of similar themes, in the course of which we find 'non Fidericus sed fide rarus.'

an official career.[1] Established in 1224, and renewed in 1234 and 1239, the University of Naples was designed by Frederick to offer such facilities for study to his own subjects as would obviate the necessity of any resort to the Guelfic *studia* of the North, from which they were commanded to return. While the new university theoretically comprised all the studies which were then current, its strength lay in law and rhetorical composition, the very subjects in which Bologna excelled. To this end the importation of Bolognese masters like the jurist Roffredo of Benevento was almost a necessity; Piero della Vigna is himself said to have studied at Bologna,[2] with whose masters he was in correspondence; and Terrisio writes a letter of condolence on the death of the Bolognese professor Bene, who may have been his own teacher.[3] As Niese has pointed out,[4] the Latin culture of Frederick's kingdom was in large measure dependent on Northern sources.

A clear example of the transplantation of learning from Bologna to Naples meets us in the field of grammar in the person of Master Walter of Ascoli, author of an etymological dictionary bearing the title *Dedignomium*, *Summa derivationum*, or *Speculum artis grammatice*.[5] One of the four surviving manuscripts says that 'this work was begun at Bologna when the army of the Pope entered the Terra di Lavoro, when Frederick was Emperor and sojourned in Syria, and was afterward completed at Naples,' so that we clearly have the date 1229. Walter of Ascoli is probably to be identified with the Master G. (Guaterus in one manuscript), professor of grammar at Naples, whose death is commemorated in a highly

[1] Huillard-Bréholles, *Historia diplomatica*, II, 450; IV, 497; V, 493–496; H. Denifle, *Die Universitäten des Mittelalters* (Berlin, 1885), I, 452–456; Hampe, 'Zur Gründungsgeschichte der Universität Neapel,' in Heidelberg *Sitzungsberichte*, 1924, no. 10; F. Torraca *et al.*, *Storia della Università di Napoli* (Naples, 1924), ch. 1.

[2] See Guido Bonatti in Salimbene, ed. Holder-Egger, p. 200.

[3] Huillard-Bréholles, *Pierre de la Vigne*, pp. 300–302; *Archivio storico nap.*, XXXVI, 243–244. For Frederick's invitation of Bene to his court, see R. Davidsohn, *Geschichte von Florenz* (Berlin, 1896–), I, 813.

[4] *Historische Zeitschrift*, CVIII, 513 ff. Cf. E. Monaci, 'Da Bologna a Palermo,' in L. Morandi, *Antologia della nostra critica letteraria moderna* (8th ed., Città di Castello, 1908), pp. 227–244.

[5] See my paper on 'Magister Gualterius Esculanus,' in the *Mélanges Ferdinand Lot* (Paris, 1925), pp. 245–257.

eulogistic letter of Piero della Vigna to the master's late colleagues. The Laon manuscript of the *Derivations* (*ca.* 1300) also contains syntactical notes of another Southern grammarian, Master Agnellus de Gaeta, who apparently belongs to the same period.

The Latin poetry of the South in this reign is less abundant and less known than its prose, indeed the whole subject of Latin poetry in thirteenth-century Italy still awaits detailed investigation. If we miss the more ambitious treatises of the close of the preceding century like the *Pantheon* of Geoffrey of Viterbo, the *Liber ad honorem Augusti* of Peter of Eboli, and the *Elegies* of Henry of Settimello,[1] there is still much evidence of interest in Latin verse. Readers of Salimbene will recall his frequent poetical quotations, whether from the Goliardic rhymes of the Primate or from the more serious compositions of his own master Henry of Pisa and others.[2] The habit of poetical quotation is also found in writers of a more sober turn, such as the jurist Roffredo of Benevento[3] and the chronicler Richard of San Germano,[4] a serious-minded notary who even drops into verse of his own. So the Southern *dictatores* pass easily into poetical *dictamen*, as we see in various pieces interspersed among the letters of Piero della Vigna and Terrisio of Atina.[5] Piero also has his traditional place in the Sicilian school of vernacular poets, though, as Monaci has pointed out,[6] the parallelism of theme in Latin is rather to be sought in certain of the imaginative debates in prose to which we have alluded.[7] On the other hand, the moral maxims of another Southern poet, Schiavo di Bari, were turned into Latin by Jacopo da Benevento, as the contemporary moral treatises

[1] Cf. the recent edition of A. Marigo (Padua, 1926).

[2] Salimbene, ed. Holder-Egger, pp. 32, 34, 35, 43, 51, 72, 77, 78, 84–87, 99, 132–133, 135, 137, 144, 157, 182–184, 202, 219, 221, 227, 233, 241, 247–249, 255, 271, 292, 331, 340, 353, 361–362, 418, 430–432, 435, 437, 442–444, 474, 492–494, 512, 514, 539–542, 567, 572–573, 578, 590, 600–603, 605, 628, 644, 647, 651.

[3] *Studi medievali*, III (1909), 237.

[4] Ed. A. Gaudenzi (Naples, 1888), pp. 64, 68, 95, 104–107, 135, 147, 148, 151; *M. G. H.*, *SS.*, XIX, 324, 329, 338, 341, 343, 357, 373, 374, 378, 385.

[5] Huillard-Bréholles, *Pierre de la Vigne*, pp. 302, 402–424; *Neues Archiv*, XVII, 507; *Archivio storico nap.*, XXXVI, 244, 250–253; 'Documenti inediti del tempo Svevo,' pp. 43, 46, in *Atti* of the Palermo Academy, 3d ser., IV.

[6] *Rendiconti dei Lincei*, 5th ser., V (1896), 45–51.

[7] *Supra*, p. 142.

of Albertano of Brescia were soon turned into Tuscan.[1] In this fluid period both themes and forms pass readily back and forth between Latin and vernacular and from one vernacular to another.

Now that the didactic poems of Schiavo di Bari, printed in the fifteenth century,[2] have been definitely placed in Frederick's reign[3] (before 1235), we are probably justified in assigning to the same period their translator, Iacobus de Benevento. In any event, the existence of thirteenth-century copies of the Latin version, or rather adaptation, places Iacobus of Benevento before 1300, and thus distinguishes him from a Dominican friar of the same name who meets us *ca.* 1360.[4] His relation to Schiavo is made clear in the heading and colophon:

> Incipiunt Sclavi de Baro consona dicta
> A Beneventano Iacobo per carmina ficta.
>
> . . . . . .
>
> Expliciunt Sclavi huius proverbia Bari
> Que Beneventanus composuit Iacobus.[5]

The poems themselves, in the form of a dialogue between father and son, begin and end thus:[6]

> Surexisse patet viciorum viscera flammas
> Urentes hominum que male corda fovent.
> Errant in morum nonnulli cale salubri,
> Sectantes miseri perditionis iter.
>
> . . . . . .

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[1] G. Bertoni, *Il Duecento* (Milan, [1911]), pp. 228, 290–291. On the Latin works of Albertano, see especially A. Checchini, in *Atti del R. Istituto Veneto*, LXXI (1912), 1423–95.

[2] See the account of older editions in the Bologna edition of 1865 (G. Romagnoli, *Scelta di curiosità letterarie*, XI).

[3] By P. Rajna, in *Biblioteca delle scuole italiane*, 3d ser., anno X, no. 18 (1904). Cf. M. Pelaez, in K. Vollmöller's *Jahresbericht*, VIII (1904), 2, pp. 98 f.; G. Bertoni, *Il duecento*, pp. 185, 282.

[4] J. Quétif and J. Echard, *Scriptores Ordinis Praedicatorum* (Paris, 1719–21), I, 648. The earlier Iacobus is also cited with Richard of Venosa by Geremia di Montagnone *ca.* 1290–1300: J. Valentinelli, *Bibliotheca manuscripta ad S. Marci Venetiarum* (Venice, 1868–73), IV, 187; and for the date, Rajna in *Studi di filologia romanza*, V (1891), 193–204.

[5] Vatican, *MS. Vat. Lat. 2868*, foll. 67r, 77v (*ca.* 1300). I have also used the Vatican *MS. Reg. Lat. 1596*, foll. 21r–36v (*ca.* 1300), and *Add. MS. 10415*, foll. 1r–17r, of the British Museum (dated 1399), both of which lack the heading and read *cuius* in the first line of the colophon.

[6] Text based upon *MS. Reg. Lat. 1596*, foll. 21r, 36v. Further extracts, from the defective *MS. Gadd. LXXI. inf. 13*, are given by A. M. Bandini, *Catalogus codicum Latinorum Bibliothecae Mediceae Laurentianae* (Florence, 1776), III, 718.

Tu solus rex es nutu qui cuncta gubernas,
Cuncta creas verbo, gloria lausque Tibi,
Ergo Tibi virtus regnum decus atque potestas
Imperiumque salus gloria lausque Tibi.

Iacobus of Benevento is perhaps to be identified with the Iacobus who is the author of an unpublished elegiac comedy of 416 lines *De cerdone*, preserved in certain Italian manuscripts of which the oldest is of the thirteenth century.[1] Like most such compositions in the Middle Ages, this is in the tradition of Plautus, or rather of the later Pseudo-Plautus, but the setting is mediaeval, though not localized — the priest who seeks through a procuress the beautiful young wife of the workingman (*cerdo*) and outwits the greedy husband who had hoped to extort money by a surprise *flagrante delicto*. It is not clear that Iacobus does more than put a familiar theme into Latin verse — *istud opus metrice descripsit*. His poem is chiefly dialogue, after the opening description of the lady's charms:

Uxor erat quedam cerdonis pauperis olim
Pulchra nimis, nunquam pulchrior ulla fuit.
Huius erat facies solis splendentis ad instar.
Fulgebant oculi sidera clara velut.
. . . . . .

Time and place are more certain in the case of the better known comedy *De Paulino et Polla* which Richard, judge of Venosa, dedicates to the Emperor *ca.* 1228–29.[2] This is a much longer piece of 1132 lines, and the principal theme, the marriage of the two aged Venosans, Paulinus and Polla, is interrupted by moral disquisitions, and by much amusing by-play in the adventures of the judge Fulco,

[1] The oldest MS., not later than 1300, is *MS. Aldini 42* of the University of Pavia, foll. 1r–5v, of which I have photographs through the kindness of the Director, Signore Pastorello; the faint and illegible portions of the manuscript have been filled in by a modern hand. I have also used *MS. E. 43 sup.*, foll. 105r–114r, and *MS. O. 63*, foll. 194r–202r, of the Ambrosian (both *saec.* xv), apparently those cited by Muratori, *Antiquitates*, III (1740), 916. There is a copy of the fifteenth century at Munich, *Cod. Lat. 443*, foll. 152r–159r, made by Hartmann Schedel in Italy: W. Creizenach, *Geschichte des neueren Dramas* (2d ed., Halle, 1911–23), I, 37. The colophon reads:

Iacobus istud opus metrice descripsit ut omnis
Qui leget hic discat spernere vile lucrum.
Deo gratias Amen.

[2] See the list above, p. 134, no. 9.

who serves as intermediary in the marriage negotiations only to lose his dinner to a cat, to be set upon by dogs, and to be stoned in a ditch where he has fallen. Still, like all these elegiac pieces, this does not seem to have been designed to be acted, though its popularity is indicated by the survival of at least nine manuscripts besides extracts in quotation.

Frederick also had his place in the large body of prophecy and vision which, in both prose and verse, circulated widely in the Italy of the thirteenth century, under the cover of such names as Merlin, the Sibyls, Abbot Joachim of Fiore, Master John of Toledo, and his own astrologer Michael Scot.[1] In some of these the Emperor is the great beast of the apocalyptic visions in which the Joachite friars foretold the beginning of the new dispensation of the Holy Spirit in 1260, predictions which claimed to have been dedicated to his father Henry VI [2] but whose failure in the case of Frederick was a disappointment and a disillusion to the good Salimbene. Others are of astrological origin, going back to the planetary conjunction of 1186 and reappearing for the year 1229.[3] Still others, wise after the event, predict specific occurrences of Frederick's reign, like the fate of the Lombard cities after 1236 and the capture of the cardinals in the great sea fight of 1241. So Pope and Emperor, soon after 1245, are represented as exchanging predictions such as the following:[4]

Imperator ad papam

Fata monent stelleque docent aviumque volatus:
Totius subito malleus orbis ero.
Roma diu titubans, variis erroribus acta,
Concidet et mundi desinet esse caput.

Papa ad imperatorem

Fama refert, scriptura docet, peccata loquuntur
Quod tibi vita brevis, pena perhennis erit.

[1] O. Holder-Egger, 'Italienische Prophetieen des 13. Jahrhunderts,' in *Neues Archiv*, XV (1890), 141–178; XXX (1905), 321–386, 714 f.; XXXIII (1908), 95–187; H. Grauert, 'Meister Johann von Toledo,' in *Sitzungsberichte* of the Munich Academy, phil.-hist. Cl., 1901, pp. 111–325; and Hampe, in Heidelberg *Sitzungsberichte*, 1917, no. 6; 1923, no. 8.

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[4] For the many forms of these verses, see *Neues Archiv*, XXX, 335–349, 364, 714; XXXIII, 106–107; Salimbene, p. 362; and for other verses on Innocent IV and Frederick II, *Neues Archiv*, XXXII, 559–604.

Guelf and Ghibelline alike made use of these prophetic materials; under the name of Cardinal John of Toledo they appear in relation to Manfred in 1256,[1] nor do they cease with the Hohenstaufen line.

Finally — to end on a Ghibelline note — Frederick was for a time patron of the international court-poet Henry of Avranches. Eulogist of Pope and Emperor, of the kings of England and France, and of prelates and lay lords in many parts of Christendom, recipient of grants from the English Exchequer which suggest those of the later poets laureate, the career of Henry as a Latin poet is already known to readers of SPECULUM.[2] In the three poems addressed to Frederick [3] he speaks as the supreme poet approaching the supreme king,[4]

> Simque poesis ego supremus in orbe professor.

Nor does he hesitate[5] to liken Frederick, master of Sicily, Rome, Acre, and Aachen, to Guiscard, Caesar, David, and Charlemagne, as he urges the Emperor to codify the civil law as the canon law has just been codified by Gregory IX. Preëminent as a peaceful ruler (*Frithe-rich*), Frederick would spare no expense to have the greatest masters at his court, be it an Orpheus or a Plato, a Euclid or a Ptolemy.[6] The Emperor himself has no superior in any art, liberal or mechanical; not satisfied with the art of ruling, he seeks the secrets of knowledge, and that not orally but by reading books for himself:[7]

> Ingenioque tuo non sufficit ars moderandi
> Imperium: quin ipsa scias archana sophie,
> Consultis oculo libris, non aure magistris.
> Nullus in orbe fuit dominans et in arte magister:
> In te percipitur instancia.

The purpose of this survey has been to suggest, not to exhaust, yet enough has been said to show a many-sided literary activity in Latin in the South during Frederick's reign. In all this, poetry has

[1] Grauert, pp. 144–146, 319–321.

[2] See the article of my pupil, J. C. Russell, 'Master Henry of Avranches as an International Poet,' in SPECULUM, III (1928), 34–63.

[3] Ed. E. Winkelmann, *Forschungen zur deutschen Geschichte*, XVIII (1878), 482–492.

[4] P. 490, line 103.

[5] P. 491, lines 50 ff.

[6] P. 488, lines 35 ff.

[7] P. 485, lines 34–38.

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its place as well as prose, products of the imagination as well as the exact sciences, literature as well as law and administration, Latin as well as the vernacular. While local centres appear, especially at Naples, the most active seat of culture seems to have been the *Magna Curia*, where none seems to have been more active than the Emperor himself. Especially at the court must we beware of isolating one kind of writing from another as if we were dealing with a period of intellectual specialization into separate compartments. Many poets of the Sicilian school appear also as notaries, judges, or falconers; Theodore of Antioch cast horoscopes besides drafting Arabic letters; and Piero della Vigna had his part in law as well as in literature. The connection was particularly close between law and letters, and any study of the Latinity of the period must give due attention to the legal sources. Not only was much of this Latin literature written by lawyers, but the style of Frederick's legislation and official correspondence was deliberately literary. Much of the phraseology was also deliberately Roman, as when the Constitutions of 1231 are issued in the name of *Imperator Fredericus II Romanorum Cesar semper augustus Italicus Siculus Hierosolymitanus Arelatensis felix victor ac triumphator*. How far such titles represented a real attempt on Frederick's part to revive the Roman tradition, it is impossible to say, at least until the matter has been more thoroughly investigated. It is always easy to argue from phraseology,[1] and always unsafe, most of all when we are dealing with so realistic a mind as Frederick's. One thing seems fairly clear, and that brings us back to our special theme, there was no concerted attempt to revive the Latin classics. Naturally the Latinists of the Emperor's court were not ignorant of their Roman predecessors, such as Ovid, but there was as yet no systematic cultivation and imitation of the ancients such as we find in Petrarch and Salutati. Whatever one may think of his style, Piero della Vigna was no Ciceronian, nor would the Ciceronians have claimed him.

Nevertheless this Latin culture of the thirteenth century has its place as a connecting link between the renaissance of the twelfth

[1] Kantorowicz seems to me to exaggerate the importance of such Roman phrases and concepts.

century and the Italian Renaissance. If the continuity is most apparent in the transmission of science and philosophy from the Greek and Arabic, it is also true that the *ars dictaminis* and the fictitious letters, the Goliardic verse and, especially, the Goliardic themes in prose, the elegiac comedy and anti-clerical satire, continued the tradition of the preceding age when these had declined north of the Alps, while the preoccupation with rhetoric and grammar foreshadows the humanism of the fourteenth and fifteenth centuries. In any investigation of the antecedents of the Quattrocento, account must be taken of the continuity of Latin studies in the South.

Finally, it should be noted that, from whatever point of view the matter be approached, one of the marked features of this literature of Frederick's kingdom is its sharply secular character. It is concerned with the world that is, not with the world to come. The absence of works of edification or ecclesiastical history from our list is striking, even if we make full allowance for loss and omission; and the exception proves the rule when the court poet Henry of Avranches writes saints' lives, for he takes such wares to another market. The secularization of literature under Frederick runs parallel to his secularization of the state, and in this respect his court prefigures the intellectual temper as well as the statecraft of the Quattrocento.

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THE ACTS OF THE COUNCIL OF 499 AND THE DATE OF THE PRAYERS *COMMUNICANTES* AND *NOBIS QUOQUE* IN THE CANON OF THE MASS

PHILIP BARROWS WHITEHEAD

IN the year 499 there was convened at Rome, under Pope Symmachus, a council composed of the bishops of Italy and the presbyters and deacons of Rome. The Acts of this council [1] are an historical source of great importance to the student of mediaeval Rome, because they contain the oldest complete list of the *tituli*, that is to say, of the ancient parish churches of the city. The names of the *tituli* are found at the end of the document in the signatures of the Roman presbyters, each of whom, in signing the Acts of the Council, added to his own name that of the church which he served, using a formula of which there are two varieties exemplified in the following signatures: 'Petrus presbyter tituli Clementis subscripsi.' 'Servusdei presbyter tituli sancti Clementis subscripsi.'

Of the sixty-seven presbyters who signed the Acts of the Council of 499, there were only seven who used the second and, at that time, comparatively new variety of the formula in which the word *sancti* is prefixed to the name of the church. It has generally been supposed that this variation in the form of the signature was due to the caprice of the signer, or to errors of the scribes who copied the manuscripts in which the document has been preserved. The purpose of the following study is to show that the use of the word *sancti* in the signatures of some of the presbyters is not accidental and that it is a fact which has an important bearing upon the date of the prayers *Communicantes* and *Nobis quoque*.

I. THE ROMAN *TITULI* [2]

Before attempting to discuss the relation of the signatures of 499 to the date of the prayers *Communicantes* and *Nobis quoque*, it

[1] Ed. Th. Mommsen, *Monumenta Germaniae Historica, A. A.*, xii (Berlin, 1894), 393 ff.

[2] L. Duchesne, 'Notes sur la Topographie de Rome au Moyen-Age. Les Titres Presbytéraux et les Diaconies,' in *Mélanges d'Archéologie et d'Histoire de l'Ecole Française de Rome*

will be necessary to give a brief outline of the origin and history of the Roman *tituli*, with especial reference to several of these churches which will be of particular importance in the course of the following discussion.

During the greater part of the first three centuries of the history of the Roman church, the only places within the walls of the city where Christian worship was held were private houses. The houses in which congregations were accustomed to meet became in time the centers of the parish organization of the city. Some of these houses were, at a very early date, given over entirely to the Church and became to all intents and purposes ecclesiastical property. When the Church emerged from the era of persecution, and was free to erect church buildings that were better adapted to the elaborate ritual of Christian worship which had by that time developed, these private houses were one by one torn down and replaced by stately basilicas. The names of the original owners of the property continued, however, to be used as the names of the churches which took the place of the earlier private houses.

The designation *titulus* which is applied to these early churches has been variously explained. The most reasonable supposition, however, is that it came into Christian usage as a legal term denoting ownership. The name of the *titulus Clementis* in the signature quoted above probably goes back to a time when the property on which the church stands was owned by some one who bore the name of Clement. By the year 499, the word *titulus* had become an ecclesiastical term, which was used to designate the twenty-five parish churches of the city, and to distinguish them from the suburban churches erected over the graves of the martyrs, as well as from the churches within the walls which possessed a different status. To the latter class belonged, first of all, the Lateran basilica,— the cathedral of Rome,— and at a later time the diaconal churches and the numerous churches and chapels erected in honor of the saints,

VII (1887), 217–243. J. P. Kirsch, *Die Römischen Titelkirchen im Altertum*, Paderborn, 1918, and 'Origine e carattere primitivo delle stazioni liturgiche di Roma,' in *Rendiconti della Pontificia Accademia Romana di Archeologia* III (1925), 123–141. Dom G. Morin, 'Liturgie et Basiliques de Rome au Milieu du vii^{e} Siècle d'après les Listes d'Evangiles de Würzburg,' in *Revue Bénédictine* XXVIII (1911), 296–330.

of which the earliest and most important was Santa Maria Maggiore, erected by Sixtus III (432–440).

In the fifth and sixth centuries the custom of dedicating churches to saints became universal. During this period the original names of the *tituli* were changed to those of the saints to whom they are now dedicated. In some cases, popular imagination created picturesque legends to account for the names of these ancient churches. In these legends the persons whose names the *tituli* had preserved, but about whom everything else had been forgotten, were converted into saints and martyrs. Some of these legends doubtless contain a nucleus of historical fact. The founders of the *titulus Clementis* and of the *titulus Caeciliae*, for example, were identified with St Clement and St Caecilia, both of whom were historical Roman martyrs, and may actually have been, as tradition records, the owners of the houses in which originated the churches that bear their names. When the name of a *titulus* was, as in these instances, the same as that of a celebrated martyr, the primitive name of the church was retained, but the title 'Saint' was added to that of the founder. Thus the *titulus Clementis* became the *titulus sancti Clementis*. Sometimes, however, the founder of the church was entirely forgotten, and the original name of the *titulus* was replaced by that of a popular saint. Thus the ancient *titulus Lucinae*, which had been founded by a pious matron named Lucina, was rebuilt and dedicated to St Lawrence by Sixtus III.[1] In the signatures to the Acts of the Council of 499, this church is referred to both by its primitive name *titulus Lucinae*, and also by the name *titulus sancti Laurenti*.

In some instances there were introduced into Rome the cults of foreign saints whose names happened to be the same as those of existing *tituli*. The cult of a new saint was naturally located in the church, whenever there happened to be one, which already bore the same name. The actual names of three of the *tituli* which are to be discussed below arose in this way. The churches of St Anastasia, St Chrisogono, and St Sabina were originally *titulus Anastasiae*, *titulus Chrysogoni*, and *titulus Sabinae*. These names had undoubtedly been derived from the founders of the churches in question,

[1] Santi Pesarini, 'San Lorenzo fuori le mura,' in *Studi Romani* I (1913), 43.

and continued to be used without the addition of the title 'Saint' until the cults of the eastern saints, Anastasia and Chrysogonus, and of the Umbrian saint, Sabina, had been brought to Rome.

In the year 499 the custom of adding the title 'Saint' to the names of the ancient parish churches of Rome was just beginning to prevail. In the two signatures quoted above, one priest wrote the name of his church *titulus sancti Clementis*, while another, more conservative, clung to the ancient usage, and wrote simply *titulus Clementis*. In the signatures to the Acts of the Council of 499 the word *sancti* (*sanctae*) is used before the names of only five churches. That the use of the title 'Saint' in these instances is not due to mere caprice of the signers or to errors of the manuscripts will be shown by the fact that, in each case where it is found, the name of the *titulus* to which it is added is the same as that of a saint whose name was at that time included in the prayers *Communicantes* and *Nobis quoque*.

II. THE PRAYERS *COMMUNICANTES* AND *NOBIS QUOQUE*

Since the prayers *Communicantes* and *Nobis quoque* must be discussed in detail, it will be convenient to quote them here in the form in which they are now found in the Roman missal.

Communicantes, et memoriam venerantes, in primis gloriosae semper Virginis Mariae, genitricis Dei et Domini nostri Jesu Christi: sed et beatorum Apostolorum ac Martyrum tuorum, Petri et Pauli, Andreae, Jacobi, Joannis, Thomae, Jacobi, Philippi, Bartholomaei, Matthaei, Simonis et Thaddaei: Lini, Cleti, Clementis, Xysti, Cornelii, Cypriani, Laurentii, Chrysogoni, Joannis et Pauli, Cosmae et Damiani, et omnium sanctorum tuorum: quorum meritis precibusque concedas, ut in omnibus protectionis tuae muniamur auxilio.

Nobis quoque peccatoribus famulis tuis, de multitudine miserationum tuarum sperantibus, partem aliquam et societatem donare digneris, cum tuis sanctis Apostolis et Martyribus: cum Joanne, Stephano, Mathia, Barnaba Ignatio, Alexandro, Marcellino, Petro, Felicitate, Perpetua, Agatha, Lucia, Agnete, Caecilia, Anastasia, et omnibus sanctis tuis: intra quorum nos consortium, non aestimator meriti, sed veniae, quaesumus, largitor, admitte.

The lists of saints found in these prayers have a long history.[1] From a very early date it was customary to recite during the celebration of the Eucharist a list of saints whose prayers were invoked.[2] These lists were not everywhere the same. Each local church, perhaps even each parish, had its own list, in which from time to time were inserted the names of new saints whose cults became popular. In what part of the eucharistic service these lists were recited, by what words they were introduced, or what names they originally contained, are questions which cannot now be answered with any degree of certainty. The prayers *Communicantes* and *Nobis quoque*, as they now stand in the Roman missal, are a late addition to the canon. This is shown by the fact that they interrupt the logical continuity of the eucharistic prayer, that the *Communicantes* is grammatically incomplete, and that both prayers contain the names of saints who were unknown in Rome at a time when the canon of the mass was in other respects practically what it is to-day. A close scrutiny of the lists of saints now found in these prayers shows that they grew up by the successive addition of names of saints, among which are some whose cults were introduced into Rome as late as the sixth century. We cannot be certain that these lists were definitely closed before the reform and codification of the liturgy by Gregory the Great. Even after that date, considerable liberty was taken in the addition to these prayers of the names of local saints by the churches to which the Gregorian mass was carried by Roman missionaries. Indeed, the prayer *Communicantes* never attained the quality of immutability which belongs to the other portions of the canon. There are even now in the Roman missal variant forms of this prayer which are used on the great festivals.

A distinguished authority on Catholic liturgy, Mgr Batiffol,[3] has recently brought together a considerable amount of evidence from which he draws the conclusion that the prayers *Communicantes* and

[1] Cabrol et Leclercq, *Dictionnaire d'Archéologie Chrétienne* IV, 1, 1045–1094 (*DIPTYQUES*) and II, II, 1847–1905 (*CANON ROMAIN*). Fortesq, *Cath. Encyc.*, III, 262, 263. For individual saints the articles signed by J. P. Kirsch in the *Cath. Encyc.* may be referred to.

[2] Augustine, *Serm.* 84, Migne, *Pat. Lat.*, XXXV, 1847: 'ad mensam (domini) . . . (martyres) commemoramus . . . ut ipsi (orent) pro nobis.'

[3] P. Batiffol, *Leçons sur la Messe* (8th ed., Paris, Lecoffre, 1923), pp. 226–229.

Nobis quoque in their present form were introduced into the canon of the mass by Pope Symmachus (498–514). Mgr Batiffol finds that a number of the Roman churches dedicated to saints whose names occur in these prayers are mentioned for the first time in documents which can be referred to the pontificate of Symmachus. Some of these documents will be discussed in the present article. It is not, however, my purpose to examine all the evidence which might be brought to bear upon the question of the date of the prayers *Communicantes* and *Nobis quoque*, but only to state as fully as possible the evidence which is found in the signatures to the Acts of the Council of 499.

(*a*) The Prayer *Communicantes*

In his discussion of the prayer *Communicantes*, Batiffol quotes a passage from the life of Symmachus in the *Liber Pontificalis*, in which the ancient *titulus Pammachi* is for the first time referred to as the church of Sts John and Paul,[1] and another passage from the same source which mentions the erection of a chapel by Symmachus in honor of Sts Cosmas and Damian.[2] He also cites the signatures to the Acts of the Council of 499 as containing the earliest reference to the basilica of St Chrysogonus. 'De ces synchronismes,' he argues, 'on conclura que le *Communicantes* reçu ne peut être antérieur au vi^e^ siècle et est selon toute apparence du pape Symmaque.'

These synchronisms, when examined, are found to be even less convincing than at first appears. The passage in which the *titulus Pammachi* is first called the church of Sts John and Paul is found only in the second edition of the *Liber Pontificalis*, which was written long after the time of Symmachus and is therefore irrelevant. The passage which records the construction of an *oratorium* in honor of Sts Cosmas and Damian merely shows that their cult had been introduced into Rome before the death of Symmachus. The reference to the church of St Chrysogonus in the signatures of 499 will, after a more attentive study of the prayer *Communicantes*, lead to quite a different conclusion from that which is drawn by Batiffol.

[1] L. Duchesne, *Le Liber Pontificalis* (Paris, 1886, 1892), I, 262: 'Ad beatum Johannem et Paulum fecit grados post absidam.'

[2] Duchesne, *loc. cit.*: 'Ad sanctam Mariam oratorium sanctorum Cosmae et Damiani a fundamento construxit.'

The list of saints in the prayer *Communicantes* begins with the name of the Mother of our Lord, who is invoked in language that recalls the decisions of the Council of Ephesus (A.D. 431). There follow the names of the Apostles, with St Peter and St Paul in the place of honor. Then come the names of five martyred Popes in chronological order, the latest of whom is Cornelius (251–253). To these are joined the names of St Cyprian and St Lawrence, the two most renowned martyrs of the Roman and African churches. St Cyprian was venerated at Rome as early as the fourth century. His festival falls on the same day as that of Cornelius, and both were celebrated together at the catacombs of Calixtus. This list of saints up to and including St Lawrence is characteristically Roman, and includes no saints who may not have been venerated at Rome in the fourth century. It is worth noticing that in this, which I believe to be the original form of the list, the names of the twelve Apostles are followed by the names of seven martyrs, who take the place of the seven deacons of the Apostolic church.

If the prayer were punctuated according to historical logic, there would be a colon after the name of St Lawrence, for the following names, by which the list of martyrs is brought up to twelve, belong to a different category. Chrysogonus and the two martyr physicians Cosmas and Damian were eastern saints, whose cults could not have been brought to Rome much before the year 500. It is not likely that the names of Cosmas and Damian were introduced into the canon of the mass before Felix IV (526–530) dedicated to them the celebrated church of SS Cosma e Damiano on the Sacra Via.[1] John and Paul, although they are Roman saints, are of very doubtful historicity.[2] There is no evidence that their cult was recognized before the end of the sixth century.

The list of saints found in the prayer *Communicantes* up to and including the name of St Lawrence may be as old as the early part of the fifth century and might have been composed about the time of the Council of Ephesus (431), which, for the first time, formally

[1] P. B. Whitehead, 'The Church of SS Cosma e Damiano in Rome,' *American Journal of Archaeology* XXXI (1927), 1–18.

[2] Pio Franchi de' Cavalieri, 'Nuove Note Agiografiche,' *Studi e Testi* IX (1912), 55–65.

defined the meaning of the doctrine that the Virgin Mary was, in the words of this prayer, *genetrix Dei et Domini nostri Jesu Christi*. That the last five names cannot have been added till after the year 499, and that they probably were not added till much later, is shown by the use of the title 'Saint' in the signatures to the Acts of the Council of 499.

Among the names of the *tituli* in the signatures of 499 there are four which are also the names of saints found in the prayer *Communicantes* — Matthew, Clement, Lawrence, and Chrysogonus. The first of these occurs once in the signatures as *titulus sancti Matthaei*. The second occurs three times in the signatures, twice as *titulus sancti Clementis* and once as *titulus Clementis*, where the word *sancti* is found in some of the manuscripts.[1] The name of Chrysogonus, on the other hand, is found three times in the signatures and always without the title 'Saint.' We may, therefore, conclude that in the year 499 the cult of St Chrysogonus, and presumably the cults of the saints whose names follow that of Chrysogonus in the prayer *Communicantes*, had not been officially recognized by the Roman church, and that therefore the prayer in its present form could not at that time have been in use. The weight of this evidence will be greatly increased by an examination of the prayer *Nobis quoque*.

[1] The manuscript authority for the reading *sancti* (*sanctae*) as given in the critical apparatus of Mommsen's edition may be summarized as follows:

8	Sanctae Sabinae	A	B	F	T	E	C	H	G	D	M
24	Sancti Clementis	A	B	F	T	E	C	H	G	D	M
67	Sancti Laurenti	A	B	F	T	E	C	H	G	D	M
3	Sanctae Caeciliae	A		F	T	E	C		G	D	M
23	Sancti Matthaei	A		F	T			H	G	D	M
59	[Sancti Laurenti]	A				E		H	G	D	M
6	Sancti Clementis		B	F	T	E		H	G	D	M
5	[Sancti] Clementis					E	C	H	G	D	M
7	[Sancti] Iuli		B	F	T						

The MS. *D* alone in nine other places and the MS. *C* alone in two other places add *sancti* (*sanctae*).

In Mommsen's edition the word *sancti* (*sanctae*) is admitted to the text only when found in the Vatican manuscript, *A* (*Cod. Vat. Reg., 1997*). In the case of No. 6, however, the evidence for the reading *sancti Clementis* seems to me convincing. No. 59, *Laurentius presbyter tituli Laurenti*, is undoubtedly an error of transcription (see Duchesne, *op. cit.*). In only one other case, No. 5, can there be any serious question as to whether the word *sancti* should be admitted to the text; if in this case it is an interpolation, it is at least an early one.

(*b*) The Prayer *Nobis quoque*

The list of saints in the prayer *Nobis quoque* begins with the two great martyrs St John the Baptist and St Stephen, followed by the two surrogate apostles, Matthias and Barnabas. Then comes the name of St Ignatius, who probably owes his place in the Roman mass both to the fact that he was the most illustrious successor of St Peter in the see of Antioch, and to the fact that he suffered martyrdom at Rome. His name in this prayer thus balances the names of the Popes in the *Communicantes*. After St Ignatius come Alexander, Marcellinus and Peter, all of whom are historical Roman martyrs whose memorials were venerated in the catacombs.

Up to this point the list of saints in the prayer *Nobis quoque* shares with the original list in the prayer *Communicantes* the characteristic of containing no names which may not have been invoked during the Roman mass from a very early date. The list of female saints which follows — quite aside from the fact that they are women — is of so different a character as to suggest that it is a late addition to the prayer. Of the female saints, three only are Roman martyrs — Agnes, Caecilia, and Felicitas; two are Sicilian — Agatha and Lucia; one is an African martyr — Perpetua; the last, Anastasia, is an eastern saint. The composition of this list is such as to lend credibility to the tradition that it was added to the prayer by Gregory the Great.

Whatever the date of the actual prayer *Nobis quoque*, it is possible to reconstruct several stages in the history of the list of saints that it contains and to determine the names that were included in it in the year 499.

The earliest known text of the Roman canon of the mass is found in the seventh-century Bobbio missal.[1] In this manuscript the list of female saints in the prayer *Nobis quoque* is: *Perpetuae, Agne, Caecilia, Felicitate, Anastasia, Agathe, Lucia, Eogeniae.* With the exception of Eugenia, which the scribe of the Bobbio missal misspelled Eogenia, the names included in this list are those found in the prayer *Nobis quoque* as it now stands in the Roman missal.

[1] E. A. Lowe, *The Bobbio Missal* (text, 1920); phototype reproduction published also by the *Henry Bradshaw Society*, Vol. LIII, London, 1917.

The popularity of Eugenia in the Roman church was shortlived. Her cult ultimately fell into oblivion, probably because her festival happened to fall on the 25th of December and was crowded out by the celebration of Christmas.

The most striking fact in regard to the list of names just quoted from the Bobbio missal is the variation in case-endings. The list appears to have been compiled from different sources by someone who was ignorant of Latin grammar. What these sources were will be evident at a glance to anyone who is familiar with the documents of early Christian history. The names in the genitive case, *Perpetuae* and *Eogeniae*, must have been transcribed from a martyrology. All the remaining names are in the ablative case,[1]— as they should be,— and must have been taken from an earlier recension of the prayer *Nobis quoque*. Striking off the names of Perpetua and Eugenia, we have therefore the list as it stood in a recension of the prayer which antedates the Bobbio missal:

Agne, Caecilia, Felicitate, Anastasia, Agathe, Lucia.

In regard to the list which we now have before us, two very important facts appear. The names of the Sicilian saints, Agatha and Lucia, occur together at the end; and if they be disregarded, the remaining four names stand in the order in which their festivals are found in the calendar.[2]

If this list — Agnes, Caecilia, Felicitas, Anastasia — be compared with the signatures to the Acts of the Council of 499, it will be found that Caecilia and Anastasia are also the names of churches which are represented in the signatures. There was one priest who signed as *presbyter tituli Caeciliae* and one who signed as *presbyter tituli sanctae Caeciliae*. From this we may conclude that in the year 499 the cult of Caecilia had been officially recognized, and that her name was included in the list which was recited during the celebration of the mass. The *titulus Anastasiae* on the other hand was represented in the council by three priests, each of whom signed

[1] *Agne* is the correct form, and not *Agnete*, the form now found in the Roman missal.

[2] The dates of the festivals of the female saints in the list given by the Bobbio missal are: Perpetua (*Cal. Philocal*), 7 March; Agnes (*ibid.*), 21 January; Caecilia (*Mart. Hieron.*), 16 September; Felicitas (*ibid.*), 23 November; Anastasia (*ibid.*), 25 December; Agatha (*ibid.*), 5 February; Lucia (*ibid.*), 13 December; Eugenia (*Sacr. Leon.*), 25 December.

simply *presbyter tituli Anastasiae*. The name of Anastasia was therefore not in the prayer *Nobis quoque* in the year 499. We may strike off her name from the list as given in the Bobbio missal. There remain the names of three of the most celebrated martyrs of the Roman church: AGNES, CAECILIA, FELICITAS.[1]

It is now possible to reconstruct the original form of the list of saints in the prayer *Nobis quoque*. When this list is compared with the original list in the prayer *Communicantes*, the similarity of the plan on which the two prayers are constructed is too obvious to require elucidation:

Communicantes	*Nobis Quoque*
The Blessed Virgin	St John the Baptist
The Twelve Apostles	Stephen Matthias Barnabas
Seven martyrs	Seven martyrs
Linus	Ignatius
Cletus	Alexander
Clement	Marcellinus
Xystus	Peter
Cornelius	Agnes
Cyprian	Caecilia
Lawrence	Felicitas

This reconstruction of the original list of saints in the prayer *Nobis quoque* may be confirmed, if it needs confirmation, by comparing it with the list found in the same prayer in the so-called Ambrosian rite. The canon of the mass in the liturgy of the church of Milan is derived from a recension of the Roman canon, which is older than that preserved in any known manuscript.[2] In the Ambrosian *Nobis quoque* the list of female saints begins, as in the original Roman prayer, *Agne Caecilia Felicitate*. Also, in the celebrated mosaic of S. Apollinare Nuovo at Ravenna, in which the list of female saints represented is obviously based upon an early recension of the prayer *Nobis quoque*, the names of Agnes, Caecilia, and Felicitas, although they do not follow in immediate sequence, occur in

[1] O. Marucchi, *Le Catacombe Romane* (Rome, Desclée, Lefebvre, 1905); pp. 154 ff., *Regione dei Papi e di S. Cecilia;* pp. 347 ff., *Cimitero di S. Agnese;* pp. 388 ff., *Cimitero di S. Felicita.*

[2] Fedele Savio, 'I dittici del canone ambrosiano e del canone romano,' in *Miscellanea di Storia Italiana*, III[a] serie, XI (*XLII della Raccolta*, Torino, 1906), pp. 209–223.

the same relative order in the first half of the list and before the name of Anastasia.[1]

With one exception, the title 'Saint' is found in the signatures of 499 only before names which occur in the prayers *Communicantes* and *Nobis quoque*. The exception is St Sabina. There were two priests who signed the Acts of the Council as *presbyter tituli Sabinae* and one who signed as *presbyter tituli sanctae Sabinae*. Since the name of Sabina is not now found in the canon of the mass, the theory set forth above would be untenable were it not for the fact that there is sufficient evidence to prove that the name of this Umbrian martyr was once included in the Roman canon. The proof of this fact is found in the prayer *Nobis quoque* of the Ambrosian rite, in which is found, in addition to the names of a number of local saints of the church of Milan which were obviously introduced after the Roman mass had been brought there, the name *Savina*.[2] This is clearly a misspelling of *Sabina*, the confusion of *b* and *v* being common in late Latin.[3] There is, however, no trace of an authentic Milanese saint of this name. The only mention of St Sabina which I have found in which she is associated with Milan is in a postscript to the late and spurious Acts of Sts Nabor and Felix.[4] The presence of her name in the Ambrosian canon of the mass can, therefore, be explained only on the supposition that it was in the Roman canon at the time when the Roman mass was introduced into Milan.[5]

If the name of Sabina had been added to the prayer *Nobis quoque* in 499, then the original prayer, as I have reconstructed it, must have been still older. I should be inclined to assign the original *Nobis quoque* to the same date as the original *Communicantes*, and to attribute them both to Sixtus III.

In the prayer *Nobis quoque*, as it now stands in the Roman missal, the list of saints has been arranged according to a very different plan from that of the original prayer. The name of St John the Baptist, it is true, still stands at the head of the list, in the place which cor-

[1] J. Kurth, *Die Wandmosaiken von Ravenna* (Munich, 1913), p. 184.

[2] Fedele Savio, *op. cit.*

[3] Cf. C. H. Grandgent, *From Latin to Italian* (Cambridge, 1927), § 103, p. 86.

[4] A. S., July III., p. 294.

[5] Sabina is also one of the saints represented in the mosaic of S. Apollinare Nuovo at Ravenna. Cf. Delehaye, *Les Origines du Culte des Martyrs* (Brussels, 1912), pp. 360, 372.

responds to that of the Virgin Mary in the prayer *Communicantes*. Then come the names of seven men, followed by the names of seven women. The names of the female saints have been rearranged to suit the fancy of the ultimate redactor, but traces of the older redactions are still apparent. The names of the Sicilian saints, Agatha and Lucia, and the names of Agnes, Caecilia, and Anastasia, are still kept together. The displacement of the name of Felicitas is probably due to the fact that it is the same as that of the African martyr whose festival was celebrated on the same day as that of Perpetua [1] and with whom, apparently, she was confused by the redactor. This, together with the fact that foreign saints have been placed ahead of the authentic Roman martyrs, indicates that the final redaction occurred at a very late date, surely not until after the continuity of Roman tradition had been broken by the frightful catastrophe of the Gothic wars in the middle of the sixth century, and probably not until after the time of Gregory the Great.

CONCLUSION

The facts regarding the use of the word *sancti* (*sanctae*) before the names of the *tituli* in the Acts of the Council of 499 may be summarized as follows. All the names of *tituli* before which the word *sancti* (*sanctae*) is used in the signatures of 499 are the names of saints which were at that time included in the prayers *Communicantes* and *Nobis quoque*. On the other hand, the names of Chrysogonus and Anastasia, which occur at or near the end of these prayers and so were presumably among the last to be added, are each found three times in the signatures without the title 'Saint.' Both of these are eastern saints whose cults became popular in Rome during the Byzantine period. The relics of St Chrysogonus were brought to Rome from Aquilea and placed in the *titulus Chrysogoni*, which thereafter was called the *titulus sancti Chrysogoni*.[2] The relics of St Anastasia had been carried from Sirmium to Constantinople between 458 and 471. She became one of the most highly venerated

[1] *Cal. Philocal., non Martias. Perpetuae et Felicitatis Africae.*

[2] The first occurrence of *titulus sancti Chrysogoni* is in an inscription of the year 581. De Rossi, *Insc. Chr.*, I, no. 975. Cf. A. Dufourcq, *Etude sur les Gesta Martyrum* (Paris, 1900), p. 121.

saints of the Byzantine church, whence her cult was introduced into Rome and located in the *titulus Anastasiae* which became, from that time on, the *titulus* or *basilica sanctae Anastasiae*.[1] In view of the great veneration in which both St Chrysogonus and St Anastasia were held from the time when their cults were introduced into Rome, a veneration which caused their names to be added to the lists of Apostles and authentic Roman martyrs who are invoked during the mass, it is most unlikely that the title 'Saint' would have been omitted by the six presbyters of the *titulus Chrysogoni* and the *titulus Anastasiae* who signed the Acts of the Council of 499, if at that date their cults had been introduced into Rome and their relics placed in the churches which bear their names.

The addition of the word *sancti* (*sanctae*) to the names of some of the *tituli* cannot have been fortuitous. In signing an important official document a priest would hardly have added the title 'Saint' to the name of his church, unless it were the name of a saint whose cult was formally recognized by ecclesiastical authority. Saints Matthew, Lawrence, Clement, and Caecilia had long been venerated in Rome by the year 499. Their names are found in the older and authentically Roman parts of the prayers *Communicantes* and *Nobis quoque* and, with that of Sabina, whose name must at that time have been included in the prayer *Nobis quoque*, are the only ones to which the title 'Saint' is added in the signatures of 499. The analysis of the prayers has shown that they did not originally contain the names of Chrysogonus and Anastasia. The signatures of 499 establish a *terminus post quem* for the introduction of these two names into the canon of the mass. The force of the facts here presented is to weaken the argument of Batiffol for assigning the prayers *Communicantes* and *Nobis quoque* in their present form to the time of Symmachus. It would seem more probable that the lists of saints which they contain were not completed before the time of Gregory the Great, and that they were not arranged in their present order until the seventh century.

[1] P. B. Whitehead, 'The Church of S. Anastasia in Rome,' *American Journal of Archaeology* XXXI (1927), 405–420.

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COMMON LAW IN THE THIRTEENTH-CENTURY ENGLISH ROYAL FOREST

ELIZABETH COX WRIGHT

IN England during the thirteenth century many large districts were set aside by law and called the King's Forest. Possibly one fourth of the country was so designated.[1] Readers of Ordericus Vitalis and later chroniclers are told that the Norman kings in extending their forests laid waste great tracts of inhabited land, William especially, in creating the New Forest, calling down the Lord's 'displeasure that consecrated churches had been ruined to make a shelter for wild beasts.'[2] Was a quarter of England made and kept deliberately waste by English kings during the Middle Ages? Modern scholars know that it was not. They know that although called 'forest' and subject to forest law, at least a part was inhabited and cultivated like the rest of the kingdom. Every forest had within its limits tracts of waste; but forest jurisdiction with its courts, and its officers, the justices, wardens, verderers, and foresters, extended far beyond, the nucleus frequently being called the 'covert' and affording especial protection to the beasts, but in no other way a distinct and separate part of the whole.

The inhabitants throughout were subject to the many restrictions of forest law. They could neither kill nor hunt the beasts of the forest, they could not keep large dogs unexpeditated, or carry bows and arrows set in readiness for use, or make ditches or enclosures or buildings to the detriment of the forest. Special permission could be enjoyed, by inheritance, purchase, or gift from the king, to break these regulations, but the penalties of living *infra foresta* could rarely be forgotten.[3]

[1] See map prepared by M. L. Bazeley for her article, 'The Extent of the Thirteenth Century Royal Forest,' in *Transactions of the Royal Historical Society* (1921), p. 140. The author explains that all afforested districts taken together were spoken of as 'The Forest.'

[2] Ordericus Vitalis, *Historia Ecclesiastica*, trans. by T. Forester, iii, 260.

[3] See introduction by G. J. Turner, *Select Pleas of the Forest*, Selden Society Publications XIII (London, 1899).

A considerable number of the king's subjects were thus aware of the forests. Likewise contemporary records are full of their complaints. Forest grievances, chiefly the questions of boundaries and attendance at forest courts, were brought up at all constitutional crises; Magna Carta contained forest provisions, the Forest Charter of 1217 extended these; Henry III's coming of age continued the struggle concerning boundaries; at the Oxford Parliament the Barons complained of reafforestation; and finally, in 1299, when Edward I, in need of money, agreed to his subjects' demands, he confirmed anew not only the Great Charter but the Forest Charter as well.

So much is well known. Let us go deeper. We find that afforested regions were administered under a law which dealt only with the protection of the trees and beasts, the vert and the venison. How then was the ordinary peace of the district kept? Did the unjust landlord, the recalcitrant tenant, the ordinary malefactor, and the felon commit their misdemeanors and crimes without danger of pursuit or punishment? In speaking of the jurisdiction of the forest, Manwood, the sixteenth-century authority on forest laws, says: 'There can be no trespas committed by any offendour in the Forrest, but the same must be in one of these three points, that is to say, a hurt to the Forrest, to the Vert, or to the Venison.' [1] In the rolls of the forest courts we find no evidence of disputes of inheritance, disseisin, debt, ordinary trespass, or robbery. Assaults are brought up and punished only when they are connected with offences against the beasts and trees, or against forest officials. Neither do cases of slaying occur on the rolls, except when poachers are the slayers or the slain. Are we then to understand Manwood's statement to mean that no crimes were ever committed in the forests? Records as well as tradition tell us quite the contrary. Even without direct evidence we might postulate that crime did not stop at the borders of the forest, that men did not cease to be litigious in a litigious age when fate cast their lot within the boundaries of a forest; and further, that the ordinary law of the land punished crimes and settled disputes therein as well and as ill as anywhere else.

[1] John Manwood, *Treatise of the Forrest Lawes* (1st ed., London), 1598, chap. i, 7.

If this were not the case, not only would social conditions within afforested regions have been chaotic beyond bearing, but, further, the thirteenth-century struggles for disafforestment would take on an aspect of great constitutional significance. Forest law was king-made law, only partially held in bounds by the Forest Charter and its confirmations, a law rigorously enforced by royally appointed officials. Its restrictions were imposed upon that considerable portion of England called 'forest.' If throughout this great extent of at least partially inhabited land only an arbitrary law existed for the protection of forest dwellers, we are forced to the conclusion that in the thirteenth century the king was autocrat indeed. Great nobles and churchmen as well as humble villeins were brought to judgment in summary fashion, and frequently heavily fined, by forest officials.[1] Throughout the rest of England a law was growing up, which, at least in disputes concerning land, bound king and subject alike. If this law did not hold in the forest, then the barons, instead of demanding merely that some of their lands be released from forest law, fought for the extension of common law over lands hitherto withdrawn from it. Such is the interpretation of M. Petit-Dutaillis. In *The Forest*, he says: 'From a legal and political standpoint, the forests were an anomaly. They were withdrawn from the operation of the common law and of the custom of the realm, and governed by rules laid down in special assizes and ordinances. . . . The forest was the stronghold of arbitrary power.'[2] Consequently, he reasons, when the forest areas were considerably restricted under pressure, the king's great power was appreciably lessened.

But was this the case? The weight of opinion, to be sure, agrees with M. Petit-Dutaillis. Blackstone in the *Commentaries*, Lewis, a pioneer in the study of forest law, and Stubbs in his *Constitutional History*, state positively the opinion that, through the application of special laws made to protect the king's game and timber, the

[1] Such great men as the Earls of Derby, Arundel, Warwick, and Gloucester, John Crakehall, the King's Treasurer, and the Bishop of Bath and Wells, were forced to appear at forest courts during the century. Others were imprisoned and fined to the extent of two hundred pounds. See the forest rolls, *passim*, and the articles on 'Forestry' in the Victoria County Histories.

[2] Charles Petit-Dutaillis, *Studies and Notes Supplementary to Stubbs' Constitutional History:* II, *The Forest* (Manchester, 1914), p. 165.

afforested areas of mediaeval England were exempt from common law. Many writers, authorities on mediaeval law like Maitland and Holdsworth, and students of forest customs like Turner and Bazeley, give the matter small space and attention. From their writings it is evident that they have not considered the question. Only Inderwick, in *The King's Peace*, a short popular account of early law courts, is in direct disagreement. 'If a . . . *transgressio* . . . were committed in the forest,' he writes, 'the common law judges had the trial of it and it accordingly went to the County Court, or the justices of the assize.' [1]

It is, indeed, reasonable to suppose that afforested areas were subject to the two laws — forest law protecting the vert and venison, common law adjusting relations among men. They had functions which did not overlap; each was adequate only for its own purposes. But the question is not so simple of solution. The difficulties in the way are many, and not the least interesting aspect of the situation is that in actual practice the two laws did overlap, to the confusion of thirteenth-century lawyers as well as modern students.

To put our supposition on a sounder basis than its reasonableness, we must, first, ascertain what places were certainly subject to forest law within specific dates, and second, find evidence of the working of common law in those places within the same dates. Some of the difficulties are these. In the first place, thirteenth-century legal documents, although abundant, are not complete. It is frequently impossible to find mention of any place in different records dated with any degree of contemporaneity. In the second place, the bounds of the forest underwent many changes during the century. The Forest Charter, and every subsequent confirmation, was the occasion for new perambulations and attempts at settlement. In the third place, many lands within legally determined bounds were released by ancient custom from forest law. Thus it may be seen that the bounds of every forest under discussion must be ascertained accurately, conflicting evidence, of which there is much, weighed, and the dates kept carefully, that the status of every place must be separately considered in the light of all evidence, before it can be called afforested at any particular time.

[1] F. A. Inderwick, *The King's Peace* (London, 1895), p. 153.

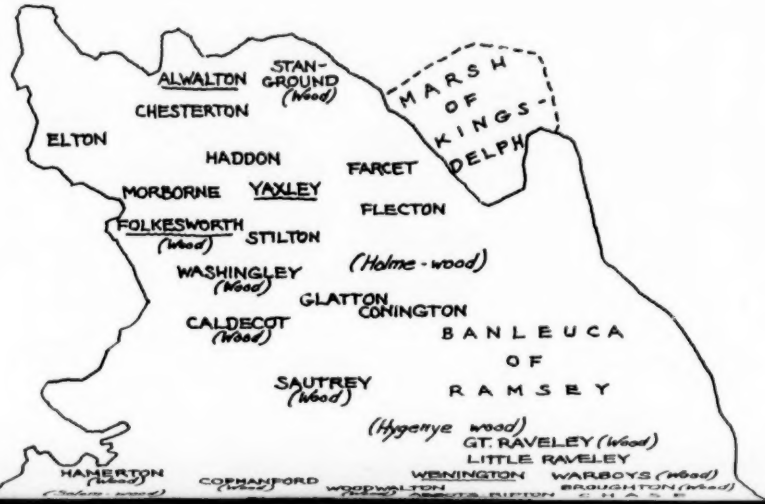
This is the yardstick which has been used in the following pages. If any place was within forest limits as set forth in black and white, signed, and sealed with the seals of those concerned; if the inhabitants of that place were called to forest eyres corporately as witnesses; if an offence against the forest was proved to have been committed within that place; and if no record has been found telling of a liberty enjoyed by the lord or tenants of that place, then that place has been considered properly afforested and subject to forest law. If there was, at approximately the same date, a manor court there; or if its inhabitants sued or were sued in any common law court, local or central; if any dweller therein was called to a common law court for an offence committed therein, then that place was certainly subject also to common law. Many doubtful cases have been discarded, but nevertheless, county by county, the evidence piles up; afforested land, subject to all the restrictions of forest law, was as much a part of the ordinary system of courts as any other land.

A word must be said to explain the use of the term 'common law' in this study. To-day, 'common law' implies a contrast to statute law. Earlier, common law was contrasted with civil, Roman, or canon law. In the twelfth century, however, the term was used in making a distinction between the ordinary law of the land, as administered in manorial, hundred, country, or king's courts, and any other special law, forest law, canon law, law merchant, or what not. Such a distinction was drawn by the author of *Dialogus de Scaccario*, as Maitland points out. Concerning the term *ius commune* as used in this discourse on the Exchequer, Maitland explains, 'The forest laws which are the outcome of the King's mere will and pleasure are contrasted with the common law of the realm.'[1] In the following pages, therefore, the phrase denotes the law and the legal machinery which took care of the usual crimes, misdemeanors, trespasses, and other disputes which occurred throughout England.

To begin with Huntingdonshire. It is a county of especial interest because during most of our period the Forest of Huntingdon extended to the county limits. The metes as given in the perambula-

[1] Pollock and Maitland, *History of the English Law* I (2d ed.), 176, 177.

SKETCH·MAP·OF·THE FOREST·OF·HUNTINGDON



KEY TO LETTERING

ALWALTON - Township responsible at eyres of 1255 and 1286 and also scene of breach of forest law.

ELTON - Township responsible at eyres of 1255 and 1286

Stangate - Scene of breach of forest law3

St. Ives (1). stated in rolls to be afforested

Huntingdon (2). within metes but not found in rolls.

(Holme - wood) - stated in perambulation of 1300 to have been afforested by Henry II and wrongfully kept within forest during 13th century.

(Wood). as (Holme - wood) above.

MARSH OF KINGSDELPH - legally afforested by Henry III but in dispute.

BANLEUCA OF RAMSEY and CHASE OF SOMERSHAM - withdrawn from forest

Metes of forest as defined in 1244 and 1286 coincide with county line.

SCALE · OF · MILES

0 5 10 15

tions may be followed on a modern map; they correspond with accuracy to the county boundaries. From the beginning of the century to 1218, from 1227 to 1298, they held as the legal limits of the forest.[1] From the records of the forest eyres and from other scattered sources, we get evidence from time to time that specifically named places, usually manors or townships, suffered from forest law.[2] Only such places are cited below, and evidence of common law in those places is used only if nearly contemporaneous with forest documents.

That there were manors in Huntingdonshire is suggested by the terms used in the records of the forest eyres. We read of open fields, common of pasture, and the reaper. Further, non-forest records frequently mention them, and with the manor went the manor court, quite as regularly in forest manors as anywhere else in England. There are numerous entries in our various records concerning these courts. 'Richard, who holds in Yaxley, does suit to the Abbot's court in Yaxley, three weeks to three weeks.'[3] 'Geoffrey le Moyne holds Little Paxton and does suit to the court of Lord Robert.'[4] 'Philip Aleote holds a messuage with sixteen acres in Offord Cluny, and does suit to the court of the Lord three weeks to three weeks.'[5] The Abbot of Ramsey held courts in King's Ripton, Little Stukely, and Elton, of which rolls for the third quarter of the century are printed.[6] In Southoe also there was a court held three weeks to three weeks,[7] and in Brampton John de Hastinges had a court.[8]

[1] The following are the dates of the extant perambulations: 2 Henry III. P. R. O., *Exch., T. of R., For. Proc.*, Roll 38, mm. 1 and 2d; 3 Henry III, *ibid.*, Roll 38; 9 Henry III, *Rot. Litt. Claus.*, ii, 209; 28 Henry III, *Exch., T. of R., For. Proc.*, Roll 38, m. 3, and also printed in *Cartularium Monasterii de Rameseia*, 3v., Rolls Series, London, 1884, i, 209; 14 Ed. I, *Exch., T. of R., For. Proc.*, Roll 43, and also printed in *Cart. Rams.*, i, 211; 28 Ed. I, *Cart. Rams.*, ii, 299.

[2] There are two full eyre rolls for this county from which the necessary information has been gathered: 39 Henry III, *Exch., T. of R., For. Proc.*, Roll 41, and 14 Ed. I., *ibid.*, Rolls 44, 45, 46. The former is printed in *Select Pleas of the Forest*, pp. 11 et seq.

[3] *Rotuli Hundredorum* (2vols, Record Commission, London, 1812), II, 640.

[4] *Ibid.*, p. 672.

[5] *Ibid.*, p. 683.

[6] F. W. Maitland, *Select Pleas in Manorial and other Seignorial Courts*, i, Selden Society Publications II, London, 1889.

[7] *R. H.*, II, 659.

[8] *Placitorum in Domo Capitulari Westmonasterensi asservatorum Abbreviatio*, Record Commission, London, 1811, p. 228.

Suit was owed from the free tenants of Hemingford Abbas and of Elton to the court of the Abbot of Ramsey at Broughton.[1] The business of these courts was the same as the business of other manorial courts. According to the Hundred Rolls, view of frankpledge was claimed in Ellington, Brampton, Alconbury, Dillington, Doddington, Yaxley, Elton, Offord Cluny, Waresley, Molesworth, Hamerton, Washingley, the Hemingfords, Stanton, Gransden, Southoe, and Stoughton.[2] Assize of bread and ale was claimed in Ellington, Wooley, Brampton, Alconbury, Elton, Alwalton, Flecton, Stanground, and Chesterton; and gallows in Glatton, Molesworth, Ellington, Wooley, Hamerton, Brampton, and Alconbury.[3] The Lords of Alwalton and Flecton claimed the right of hanging thieves and excluding the coroners from their lands.[4] The jurisdictional franchises of forest manors did not differ, therefore, from those of other manors.

The above evidence only heads the list of courts to which afforested land in Huntingdonshire owed suit. There are many notices among the records of the county court of Huntingdon, and of the four hundred courts, Leyttonston and Toseland in the hands of the king, Hirstingston and Normancros in the hands of the abbots of Ramsey and Thorney, respectively.[5] Suit to these courts will be mentioned only from those lands which were, so far as we can tell, not relieved from the forest law. In Bracton's *Notebook* is recorded a case between the church of Sulinguy of Stanton, and Walter Morel, concerning half a virgate and seven acres, which was pleaded in the county court of Huntingdon.[6] A certain Reginald, a holder in Yaxley, owed suit, we are told in the Hundred Rolls, to the county court.[7] Another holder in Yaxley owed suit to the Hundred of Normancros.[8]

[1] *R. H.*, II, 680, 656.

[2] Ell., *ibid.*, I, 197. Elt., *ibid.*, II, 656. Hem., *ibid*, II, 666.
Bram., *ibid.*, I, 197. Off. C., *ibid.*, II, 666. Stant., *ibid.*, II, 666.
Alc., *ibid.*, I, 197. Wares., *ibid.*, II, 666. Grans., *ibid.*, II, 666.
Dill., *ibid.*, II, 666. Moles., *ibid.*, II, 633. Southoe, *ibid.*, II, 666.
Dod., *ibid.*, II, 666. Ham., *ibid.*, II, 633. Stough, *ibid*, II, 666.
Yax., *ibid*, I, 196. Wash., *ibid.*, I, 196.

[3] *R. H.*, I, 196, 197; II, 633.

[4] *R. H.*, I, 196.

[5] *R. H.*, II, 633.

[6] F. W. Maitland, ed., *Bracton's Notebook* (3 vols., Cambridge, 1887), II, 265, case 316.

[7] *R. H.*, II, 640. [8] *Ibid.*

A certain tenement in Morborne owed suit to the same Hundred.[1] From Doddington and Hemingford Abbas, suit was owed to the Hundred of Toseland.[2] From Hemingford Abbas, Washingley, Haddon, Stanground, Farcet, and Elton, suit was owed to both county and hundred.[3] Washingley, Molesworth, Hamerton, Brampton, Wooley, Folkesworth, Doddington, and Hemingford Abbas owed suit to the Sheriff's tourn.[4] From Stilton, suit was owed to county, hundred, and Sheriff's tourn.[5]

But not local justice alone was done according to common law in the forest county of Huntingdon. King's justices on assize, sitting at Westminster, or following the king, administered the law in Huntingdonshire as it was administered in other counties. In 1230, Alan of Bassingbourn and Geoffrey Cinee were appointed justices for the delivery of the jail at Huntingdon.[6] In 1286, itinerant justices sat at Huntingdon, to hear pleas at common law,[7] in the same year that a great forest eyre was held in the same town. The rolls are full of similar entries for all dates, none of which suggest that the application of the forest law in the county had anything to do with the usual working of the common law.[8] Most easily traced is the process of the law in respect to pleas in the court *de banco*. All the place-names marked on the map as being certainly subject to forest law appear in the rolls of the king's courts. For instance, at Westminster, in Hilary term, 10 Richard I, but one year before the opening of the century, 'An assize comes to see if Thomas, son of Thomas . . . was seised in demesne of four and a half acres of pasture and apurtenances in Brampton when he died.'[9] In 1227, Simon de Hal and Ernald de Buketon made Roger Marievelain their attorney

[1] *R. H.*, I, 196.

[2] Doddington, *R. H.*, II, 685; Hemingford Abbas, *ibid.*, II, 680.

[3] Heming., *ibid.*, II, 680. Haddon, *ibid.*, II, 644. Farc., *ibid.*, II, 645.
Wash., *ibid.*, II, 635; I, 196. Stan., *ibid.*, II, 645. Elton, *ibid.*, II, 656.

[4] Wash., *ibid.*, I, 196. Bramp., *ibid.*, I, 197. Dod., *ibid.*, II, 685.
Molesworth, *ibid.*, II, 633. Wooley, *ibid.*, I, 197. Heming., *ibid.*, II, 680.
Hamerton, *ibid.*, II, 633. Folkes, *ibid.*, I, 196.

[5] *R. H.*, I, 196.

[6] *Close Rolls, 1227–1231*, p. 398.

[7] *Placit. Abrev.*, p. 212.

[8] *Close Rolls, passim, e. g., 1237–1242*, p. 449, etc.

[9] *Curia Regis Rolls*, I, 80.

against Alice de Amundeville concerning land at Stilton.[1] In 1229, an assize came to see if 'Hugo, Abbot of Ramsey, unjustly and without right disseised Richard de Ripton of pasture in Ripton which pertained to his free tenement in the same vill.'[2] In 1235, 'Sanicula . . . pled against Petronilla . . . for a third part of twenty-nine acres of wood with appurtenances in Bichamstead that pertains to her free tenement which she holds as dower from Juliano de la Haye in the same vill.'[3] In 1235, Stephen de Segrave made Richard de Welint' his attorney in his place against the king in a plea of land in Alconbury and Weston.[4] In 1236, Walter de Deneford and Sarah, his wife, made Thomas de Deneford their attorney against Ivo le Moyne and William de Cuweye and Felicia, his wife, their tenants, concerning a third part of two carucates of land with appurtenances in Grafham and Hemingford.[5] Among the rolls of the *Curia Regis* we find that 'Peter, son of John, pleas against the attorney of the Abbot of Cluny for four virgates of land with appurtenances in Offord and asks a view of the land. A day is given, etc., . . . and in the meanwhile, let the view be made.'[6] Other pleas heard *de banco* are cited by Bracton concerning land in Stoughton, Chesterton, Hamerton, Washingley, and Stanton.[7] Contrary to later practice, some of the civil pleas to be found in Bracton's *Notebook* were held in the court *coram rege*. Of these, pleas concerning land in Alconbury and Dillington, and a plea concerning a trespass at Offord, apply to the present study.[8] Other civil pleas come from scattered sources. We find recorded that the Burgesses of Northampton claimed that the Abbot of Thorney unjustly took from them toll and customs in his fair at Yaxley.[9] From the *Placitorum Abbreviatio* we learn that pleas were heard in the court *de banco* concerning Chesterton, Folkes-

[1] *Close Rolls, 1227–1231*, p. 87.
[2] *Bracton's Notebook*, II, 298, case 360.
[3] *Ibid.*, p. 431, case 558.
[4] *Close Rolls, 1234–1237*, p. 196.
[5] *Ibid.*, p. 343.
[6] *Curia Regis Rolls*, I, 455. (2 John).
[7] *Bracton's Notebook*, case 629 (Michaelmas, 1231); case 269 (Hilary and Easter, 1228); case 681 (Easter, 1232); case 1079 (Easter, 1225); case 316 (Hilary, 1229).
[8] *Ibid.*, case 1124 (18–19 Henry III); case 1261 (23 Henry III); case 1201 (21 Henry III).
[9] Wm. Paley Baildon, ed., *Select Civil Pleas*, i, Selden Society Publications III (London, 1890), p. 11.

worth, Hamerton, King's Ripton, Little Paxton, Stanground, and Haddon.[1] Of the records of the feet of fines, or final concords, made in the King's Court at Westminster, there is a calendar volume printed. From this volume we learn that land cases were settled concerning Folkesworth, Paxton, Little Paxton, Stukely, Dillington, Ellington, Lymage, Caldecot, Beachampstead, Doddington, Warboys, Abbot's Ripton, the two Offords, Brampton, Perry, Alconbury, Buckworth, Yaxley, Stilton, and Grafham.[2]

That proceedings against felons followed the order for pleas of the crown in common law courts throughout afforested Huntingdonshire, we have somewhat scanty evidence. There is sufficient proof, however, that there were coroners in the county.[3] The jurors of the Hundred Roll inquisitions 'say that Phillip, the coroner of Ripton, took from the township of Paxton' twelve pence for concealing the fact that they had spoken with a thief.[4] The lord of Alwalton claimed the right to exclude coroners from his land.[5] There was a special inquisition

> taken before the coroners in full county of Huntingdon in the presence of the Sheriff: Andrew Bukstan killed Richard de Freskeneye, his man, by misadventure. On Saturday, after Low Sunday, 42 Henry III, Andrew had come from the fair at St Ives where he had bought a new sword, which he carried with him to his home at Huntend' and he tried it upon a trestle whether it were stiff or not; the trestle fell and the sword glanced off it and struck Richard, who was sitting too near, in the side; by which misadventure Richard died.[6]

Besides the coroners' inquest, we find another inquisition according to common law, held concerning an assault, after the usual hue and cry, at Weston, Alconbury, the day of St Thomas the Apostle, 18 Edward I.

> Reymund de Solerettis, merchant of Figeac, was passing over Brouneswold with his harness and men and was met by certain evildoers . . . who

[1] *Placit. Abbrev.*, pp. 31, 32, 184, 195, 209, 155, 257.

[2] G. J. Turner, ed., *A Calendar of Feet of Fines relating to County Huntingdon, 1194–1603*, Cambridge, 1913; dates from 1229 to 1294; pages as follows: 17, 12, 43, 45, 40, 19, 20, 20, 40, 39, 37, 40–43, 46, 24, 14, 29, 20.

[3] *Cal. Fine Rolls, 1272–1307*, p. 154 (1281).

[4] *R. H.*, I, 198.

[5] *Ibid.*, I, 196.

[6] *Cal. Misc. Inq.*, I, 563 (1258).

attacked him and his men and robbed them of a sum of money about the ninth hour. . . . The said merchant in a dazed state long after the ninth hour came to the towns of Copmansford and Opton, alleging that he had been robbed; the men of those towns followed the said evildoers to the wood of Albrichelee, whither the merchant stated they fled, but could find not them, because he did not immediately raise hue and cry. He raised the hue and cry about mid-day, but it was not pursued beyond the said wood, because it was so dark that it was almost impossible to see.[1]

Afterward the robbers were captured and hanged at Lincoln. In the volumes of Letters Close there are a few examples to show that appeals for killing were made in afforested Huntingdonshire. In 1241, a mandate was sent by the king to the Sheriff of Huntingdon ordering him to let Walter, son of Thomas, and John, son of Alice of Molesworth, out of the prison at Huntingdon on security.[2] They had been appealed by Alice for the death of her husband. In 1242, Walter the Forester, held in the same prison after having been appealed by Matillis for the death of her husband, Walter of Winwick, was to be released on bail until the coming of the justices.[3] Neither of these cases is conclusive evidence of the working of common law in an afforested area, because there is no mention of where the crimes were actually committed. However, in *Placitorum Abbreviatio* there are two cases recording this information. Among the pleas of 48 Henry III is the following: 'Brother John de Pypwell, lay brother of Sautry, taken for the death of Simon of Warden, killed at the Abbey of Sautry.'[4] He refused to answer because he was *uir religiosus*. Also, at the same date, we find that John, son of William de Lake, and Walter Caperun of Huntingdon, were accused of the death of Robert, son of the parson of Houghton, killed at Paxton, and of the burning of the house of the same Robert.[5] In *Bracton's Notebook* there are several full rolls of pleas in the King's Court, *coram rege*, but none of those applicable strictly to those places determined as certainly subject to the full force of forest law are pleas of the crown. At the period from which the cases in the *Notebook*

[1] *Cal. Misc. Inq.*, I, 419, 420 (18 Edward I).
[2] *Close Rolls, 1237–1242*, p. 382.
[3] *Ibid.*, p. 449 (1242).
[4] *Placit. Abbrev.*, p. 148.
[5] *Ibid.*

are taken, the jurisdiction of the two courts, *de banco* and *coram rege*, was not strictly divided between civil and criminal pleas. It so happens, therefore, that the *Notebook* yields no information concerning pleas of the crown in Huntingdonshire, although many cases heard *coram rege* are cited. It is to other counties, therefore, particularly to Staffordshire and Somersetshire, that we must turn for full evidence that in districts subject to forest law, criminal cases were heard in common law courts according to the procedure of pleas of the crown.

The forests of Staffordshire were three: Cannock, called Cannock Chase, Kinver or Kinfare, and Needwood. The latter will not be discussed here owing to lack of material. Cannock and Kinver, for convenience, will not be distinguished in what follows. After determining their bounds at different dates, and examining the forest pleas, a number of townships and manors were found to have been subject to forest law during the greater part of the thirteenth century.[1] As was the case in Huntingdonshire, common law also operated in these places.

Mention of open fields, meadow, and reaper, in the forest pleas, and some little information in the Hundred Rolls, which are, however, incomplete for Staffordshire, show beyond doubt that the manor was the agricultural unit in these two districts, although they were called forests. And with the manor went the manor court and private franchises, as elsewhere. The following are some of the jurisdictional franchises exercised by lords of certain forest manors. The Bishop of Coventry and Lichfield claimed a view of frankpledge at which Little Wirley appeared yearly.[2] Robert de Somerville, lord of the manor of Alrewas, claimed and was allowed gallows, assize of bread and ale, pleas of the crown, infangenthef, and two free courts yearly, in which he heard the pleas of the Sheriff in his tourn.[3]

[1] The perambulations and eyre rolls for Staffordshire have been edited by G. Wrottesley, *Staffordshire Pleas of the Forest*, in *Collections for a History of Staffordshire*, William Salt Archeological Society, V, i (1884). The following perambulations are given: 1286, *ibid.*, p. 166; 1300, *ibid.*, p. 176. The forest pleas are those of 1262, 1271, and 1286, printed on pages 136 f., 140 f., 157 f.

[2] G. Wrottesley, ed., *Extracts from the Plea Rolls, Coll. Hist. Staff.*, Wm. Salt Arch. Soc., VI, i (1885), 244.

[3] *Ibid.*, *Extracts from the Plea Rolls, 1272–1294*, as above, VI, i, 247, 270, 285.

Further, Alrewas had a regular manor court that met 'three weeks to three weeks,' or actually, anywhere from every three weeks to once in six weeks, records of which have been printed.[1] The business of this court is regular manorial business, with certain slight exceptions to be discussed later. Thomas Corbet, lord of the manor of Bromley Regis, claimed gallows, assize of bread and ale, and view of frankpledge.[2] Ralph de Grendon claimed gallows and two free courts yearly in which he heard the pleas of the Sheriff in his tourn, at Swynfen.[3] The Dean and Chapter of Penkridge claimed view of frankpledge, assize of bread and ale, and infangenthef in Penkridge.[4] Hugh le Blunt, who held two thirds of the same manor, claimed gallows and infangenthef.[5] There was a free court in Arley, we learn from the Hundred Rolls, and Hugh de Audeley and his wife, who held the manor, claimed to have gallows and assize of bread and ale.[6] Richard de Loges had a court at Rodbaston.[7] John de Tresel was summoned in the same year to show his title to hold pleas of the crown in his manor of Tresel.[8] At that time also John de Herunville claimed assize of bread and ale in his manor of Wednesbury.[9]

We find also ample evidence that suit from forest lands was owed to county and hundred. The Hundred Rolls show that the vill of Essington, holders in Rodbaston, in Bobbington, in Evenefield, Lutteley, Nether Penn, Pendeford, Moseley, Tresel, Womburne, and Overton either do suit, or should do suit, at county and hundred in 38–39 Henry III.[10] It is further evident that the local machinery for the administration of justice was the same in afforested Staffordshire as in non-forest districts. Appeals were prosecuted from county court to county court, as in the case of a woman kidnapped from the

[1] W. N. Landor, ed., *Alrewas Court Rolls*, 1259–1261, 1268–1269, 1272–1273; *Coll. Hist. Staff.*, N. S., X, i, 1907, and volume for 1910.

[2] *Extracts from the Plea Rolls, 1294–1307, Coll. Hist. Staff.*, VI, i, 284.

[3] *Ibid.*, p. 286.

[4] *Ibid.*, VII, 5.

[5] *Ibid.*, VI, i, 246.

[6] *Ibid.*, V, i, 114; *Extracts from Plea Rolls, ibid.*, VI, i, 261.

[7] *Ibid.*, IV, 209.

[8] *Ibid.*, VI, i, 248.

[9] *Ibid.*, VI, i, 270.

[10] *R. H.*, II, 114, 115; *Staffordshire Hundred Rolls, Hist. Coll. Staff.*, V, i, 110–113.

vill of Rodbaston.[1] Forest manors, such as Penkridge, Arley, Bromley Regis, Alrewas, and Bushbury, appeared by juries at the Assizes at Wolverhampton and Lichfield.[2] Two of the Staffordshire coroners of 1293 came from vills within the forest, Alrewas and Bushbury.[3] In a case of suicide, the vill of Rushall was cited as not coming in full to the coroners' inquest.[4] In a case of slaying expressly stated to have been committed within the forest of Cannock, the record runs, 'no Englishry, therefore murder on the Hundred of Pirehill.'[5] Dwellers within these forest limits, then, owed suit to manor, hundred, and county courts, appeared at the assizes on juries, served as coroners, and on coroners' inquests, and were responsible in their hundreds for murder.

Furthermore, assizes sat at Lichfield, Penkridge, and Bobbington, within the metes, and at Wolverhampton and Stafford on the boundaries, for jail delivery, *novel disseisin*, *mort dancestor*, *quo warranto* pleas, and other causes relating to land or persons within the forest.[6] These pleas were both civil and criminal. Among the civil pleas, land cases were the most common. 'An assize came to see if Ralph de Bushbury had unjustly disseised' certain named persons 'of common of pasture in Bushbury.'[7] Among many others, we find land in the following forest vills or manors disputed: Swynfen, Rushall, Tresel, Pendeford, Wednesbury, Womburne, Tresel and Seysdon, Shelfield, Rodbaston, Little Sardon, Heiley and Swyndon, Hatherdene, Coven, Bloxwich, Bonehill, and Huntingdon.[8] Other kinds of pleas heard in the assizes were as follows: 'The King by Attorney sued Philip de Montgomery for withholding from the Exchequer ten marks annually from the four bailiwicks in the hays of Alrewas, Hopewas, Oggley, and Gauley.'[9] William de Boeles

[1] *Plea Rolls, Henry III, ibid.*, IV, 209.

[2] *Extracts from Plea Rolls, ibid.*, VI, i, 259; V, i, 114; VI, i, 257, 256.

[3] *Ibid.*, p. 256.

[4] *Ibid.*, p. 269.

[5] *Ibid.*, p. 273.

[6] *Ibid.*, pp. 54, 55, 154, 161, 176, and VII, 27, etc. Lichfield was within the metes, but is never mentioned in the pleas.

[7] *Ibid.*, p. 56.

[8] *Ibid.*, pp. 297, 231, 291, 217, 270; IV, 191, 203, VI, i, 147; IV, 209, and VI, i, 55; VI, i, 238; IV, 195; VI, i, 232, 237, 233, 214; IV, 209.

[9] *Ibid.*, VI, i, 251.

appeared against the rider of Philip de Montgomery for taking away the implements and tools of his workmen working near his *curia* of Rushall, the defendants stating that they had found the men of William working in a mine within the King's Forest without a warrant.[1] We read further of trespasses on the lands of John, son of William, son of William de Bentley, at Bentley, of theft of the produce of the land of Alexander de Cotun in Hopewas, of the appeal of Alice de Wodegrave who was kidnapped by Richard de Loges from the vill of Rodbaston, of the theft by the same Richard of six oxen and a bull from the manor of Penkridge and of a horse from Ralph, Canon of Penkridge, and of the above-mentioned slaying in the 'forest of Cannock.'[2]

Not only did the king's justices of the common law go to Staffordshire to hear pleas relating to men and land in Cannock and Kinver; they also heard them at Westminster. In none of these cases is there evidence of irregularity of procedure. Apparently the justices had no thought that from the point of view of common law these afforested districts were in any way distinct from the rest of Staffordshire. The cases heard *de banco* and *coram rege* are the same in nature as those heard at the assizes or eyres held in Staffordshire. The same place-names crop up again and again. Among them are the following, those cited being only those not mentioned in the previous group except when there is an especially interesting point. Suits were heard concerning land at Amelecote, Bermundescote, Essington, Moseley, Newebrugge, Shenstone, Wednesbury, Whitmor, Stonall, Shareshill, and Darlaston.[3] Specimens of criminal cases are these: 'Matilda, the wife of William le Paumer, sued Robert le Paumer and others for ill-treating and imprisoning her for a day and a night at King's Bromley.'[4] 'William de Mundeville, essoiner of Michael . . . appeared against Walter de Kokesey and others in a plea that they had come to the houses of the said Michael in Bobbington . . . and carried away hay and corn *ui et armis* to the value of a hundred shillings and beat and ill-treated his men.'[5] 'Simon

[1] *Extracts from Plea Rolls, ibid.*, VI, i, 251.
[2] *Ibid.*, pp. 225, 252; IV, 209; VI, i, 273.
[3] *Extracts from Plea Rolls, Coll. Hist. Staff.*, IV 180; VI, i, 58, 59, 98, 61, 165, 67, 61, 119; IV, 185.
[4] *Ibid.*, VI, i, 87.
[5] *Ibid.*, IV, 163.

Mautravers, the parson of Shareshill, appeared against Robert le Fleming for entering his house at Sarneshill *ui et armis*, killing two pigs, and cutting down and carrying away his trees, and committing damage altogether to the amount of sixty shillings.' [1] 'Robert the son of Tancre fled for the death of Helie, cleric, and he was in the frankpledge of Adam Fisher of Alrewas; judgment, murder.' [2]

The foregoing evidence adds considerably to the argument that forest law and common law existed side by side in afforested regions of thirteenth-century England. There is little room for doubt that in Cannock and Kinver forests two laws prevailed: one the forest law, enforced by king's officers, ostensibly for the protection of the beasts and trees of the district; the other the common law, administered as common law was coming to be administered throughout England, by manorial, hundred, and county courts, by itinerant justices, and by justices at Westminster and before the king. We have found in the Staffordshire material more evidence than was disclosed by the Huntingdonshire records, that pleas of the crown were heard in afforested districts in the regular manner in the usual courts, and no evidence at all that any part of the forest was excluded from the protection of common law.

The chief contribution of the Somersetshire material to this study is the large number of examples of robbery, rape, theft, and slaying committed in the afforested manors or vills, and tried in common law courts. Evidence of civil pleas will be subordinated to that of criminal cases, since, as has been seen, in the other counties the latter class of evidence was more difficult to find. The afforested areas of the county were Mendip and Cheddar together, Selwood, Exmoor, Petherton, and Neroche, and the warren, Somerton, which possibly was restricted by forest law, contrary to the custom in warrens. Petherton was usually called a park, although forest pleas were heard concerning trespasses within it.[3] From the eyre roll for the forest pleas held at Ilchester, 42 Henry III, and from perambu-

[1] *Plea Rolls, Henry III, Hist. Coll. Staff.*, IV, 169.

[2] *Ibid.*, III, 96. This case is early — 5 John.

[3] W. H. P. Greswell, *The Forests and Deerparks of the County of Somerset* (Taunton, 1905), pp. 86, 87.

lations and pleas printed in various forms, we find evidence of the working of forest law in the manors and townships cited below as being also subject to common law.[1]

Passing by the local common law courts in the forests of Somerset, although the material gives ample evidence of their existence, we find many pleas from afforested lands heard in the King's Courts, either on eyre or assize, in Westminster or elsewhere, following the king. A few examples only of civil pleas will be listed although there is an abundance of evidence. Land cases were heard at the assizes at Kilmersdon, Ilchester, Frome, and other places or at general eyres, concerning tenements in the following afforested manors: Ashway, Axbridge, Bossington, Burrington, Charleton, Cheddar, Doverhay, Draycote, Dulverton, Frome, Horton, South Petherton, Winscombe, and Winsford.[2] It may be noticed that these cases all occurred about the middle of the century, a period when there was little or no meddling with the bounds of the forests, and close to the time when these same places appeared at the forest pleas as subject to forest law.

Very impressive is the number of crimes noted among the pleas as having been committed within the forest limits, and tried at common law. In 1242, the tithings of Almsworthy and Exford were amerced because a man in the first was suspected of harboring thieves who were in the second.[3] In 1244, the borough of Axbridge came by twelve to the eyre and numbered the harboring of thieves among their presentments.[4] Somewhat earlier, Richard de Krues, a villein of Blagdon, killed Herman Dreng of Blagdon and fled. He was in the frankpledge of the vill of Blagdon, and therefore it was in mercy.[5] Elyas Cute and Walter de Stoke entered the house of Edith de Draycote by night, and carried off the chattels they

[1] See *Patent Rolls and Close Rolls*, as printed in full or calendar, *passim*, *Exch., T. of R., For. Proc.*, rolls 152 and 153; M. L. Bazeley, *The Extent of the Thirteenth Century Royal Forest*; G. J. Turner, *Select Pleas of the Forest*; W. H. P. Greswell, *The Forests and Deerparks of the County of Somerset*; E. J. Rawle, *Annals of the Forest of Exmoor* (Taunton, 1893); and John Collinson, *A History of Somerset*, 3 vols., 1791.

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[1] *Somersetshire Pleas*, XI, 236 (1243).
[2] *Ibid.*, p. 235 (1243).
[3] *Ibid.*, p. 286 (1242–1243).
[4] *Ibid.*, p. 49 (1224–1225).
[5] *Ibid.*, p. 310 (1242–1243).
[6] *Ibid.*, p. 296 (1243).
[7] *Ibid.*, p. 298 (1243).
[8] *Ibid.*, p. 301 (1243).
[9] *Ibid.*, p. 233 (1242–1243).
[10] *Ibid.*, p. 302 (1242–1243).
[11] *Ibid.*, p. 322 (1242–1243).

lations and pleas printed in various forms, we find evidence of the working of forest law in the manors and townships cited below as being also subject to common law.[1]

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[9] *Ibid.*, p. 233 (1242–1243).
[10] *Ibid.*, p. 302 (1242–1243).
[11] *Ibid.*, p. 322 (1242–1243).

Here at last is abundant evidence that common law crimes committed in afforested areas were tried according to the usual process for pleas of the crown, in common law courts. The Somersetshire material, so far as it has been examined, presents no exception in procedure when the crime was committed in the covert of the forest.

Enough detail has now been presented to prove that in Huntingdonshire, Staffordshire, and Somersetshire, afforested areas were subject, during the thirteenth century, to both forest and common law, and to make clear the method used in arriving at this conclusion. This method has been applied in full to Rockingham Forest in Northamptonshire, and to the Forest of Dean in Gloucestershire, with similar results; and with less detail, but with equal care to other afforested regions.[1] The evidence for some forests has been fragmentary; all care has been taken, however, to avoid error, those places determined as subject to both laws being taken from forest plea rolls and tested wherever possible by other documents.[2] Evidence from Buckinghamshire, Cumberland, Derby, Dorset, Essex, Nottinghamshire, Hampshire, Rutland, Shropshire, Surrey, and Worcestershire, confirms the opinion that forest law did not exclude common law from the afforested regions of those counties.[3] Thus the principal forests of thirteenth-century England are brought within the scope of the argument. In the remaining counties there were either no forests at all, as, for instance, in Lincolnshire, Dur-

[1] Material used in the study of Rockingham Forests is as follows: Patent and Close Rolls, *passim;* Turner, *Select Pleas of the Forest*, for eyre roll, 1255; *Exch., T. of R., For. Proc.*, Roll 74; Bazeley, *Extent of the Forest.* Forest of Dean: *Journals of the House of Commons*, XLIII, 586 f., for perambulations; J. Maclean, *Perambulations of the Forest of Dean*, Bristol and Gloucestershire Arch. Soc., 1890; M. L. Bazeley, *The Forest of Dean in its Relation to the Crown*, Bristol and Gloucestershire Arch. Soc., XXXIII; H. G. Nichols, *Forest of Dean*, London, 1858, Victoria County History, *Gloucestershire*, II, article on 'Forestry.' A variation from the usual procedure, to be discussed below, is found in the *Forest of Dean.*

[2] The plea rolls used were as follows: *Exch., T. of R., For. Proc.*, Bucks, roll 2; Cumberland, roll 5; Derby, roll 8; Dorset, roll 10; Essex, roll 12; Hants, roll 158; Northants, roll 74 (roll 68 printed in *Select Pleas of the Forest*); Notts, roll 127; Oxon, roll 137; Rutland, roll 139; Surrey, roll 194.

[3] References already cited; various calendars of inquisitions; *Journals of House of Commons*, XLIV, 574; perambulation of Hampshire forests, *ibid.*, XLVII, 154; perambulation Bucks forests; Victoria County Histories; W. R. Fisher, *Forest of Essex*, London, 1888; J. H. Round, 'Forest of Essex,' *Journal of British Archaeological Assn.*, New Ser., III; perambulations of forests in Rutland and Nottinghamshire, *Rot. Litt. Claus.*, II, 207, 208.

ham, Cornwall, Kent, Suffolk, Norfolk, Cambridgeshire, Hertfordshire, and Middlesex, or forests the boundaries of which are disputed, or for which determination has proved to be impossible without much further study, such as in Berkshire, Lancashire, Leicestershire Devon, Wiltshire, Westmorland, Northumberland, Sussex, Cheshire, Herefordshire, Warwickshire, Bedfordshire, and Yorkshire.[1]

Our sources exhibited a monotony of agreement with our reasonable supposition that forest law and common law existed side by side in afforested regions, each taking cognisance of the crimes and misdemeanors recognized by it. Here and there, however, interesting local variations appeared, and also in a few instances the working of the laws became confused. Their provinces were occasionally allowed to overlap, or procedure according to one law was practised in the courts of another, or, failed by one law, men tried other means. We will now examine these cases and see that, as in other realms of mediaeval practice, theory sometimes tripped over fact.

It is interesting to notice, however, before taking them up, that forest law officials enjoyed exemption from certain duties required by common law. We read among the letters close: 'The King to the Sheriff of Wiltshire, greeting. Because our verderers and foresters are used to be quit of suit to county and hundred . . . we order that you make Philip de Lya, our forester, quit of suit to county and hundred in his bailiwick.'[2] And further we find that the Sheriff of Hampshire is ordered not to place Thomas Croc, a verderer in the forest of the Lord King in Hampshire, on assize as juror or recognitor, because verderers and foresters following the custom of the forest should not be placed on such assizes.[3]

John Manwood, the sixteenth-century student of forest laws, is very explicit about the precise duties of the courts. He says, 'All offences and trespasses of the Forrest must be tried before the officers of the Forrest.'[4] Nevertheless, a manor court in Cannock Chase considered and punished two men who had offended against

[1] References cited above, especially Bazeley, *Extent of the Forest.*
[2] *Rot. Litt. Claus.*, I, 560 (7 Henry III).
[3] *Ibid.*, II, 94 (10 Henry III).
[4] John Manwood, *Treatise of the Forrest Lawes* (1st ed., 1598), chap. i, 7.

forest law. Thomas was amerced 'because he withheld pannage in the forensic wood of Alrewas,' and Roger Cocus (later pardoned), 'because he received malefactors in the hay.' [1] On the rolls of the King's Courts also there is occasional record of the hearing of cases which concern breaches of forest law. For instance, Laurence of Preston, lord of Gretwood, having cut down certain woods of his in Rockingham Forest without view of foresters or verderers, the seneschal of the forest wished to stop the wagon loads, but Laurence's men hindred him. After an inquisition at forest law, the case appeared before the king, and Laurence was evidently convicted, although the record is slightly ambiguous.[2] There were also a number of complaints heard in the King's common law courts concerning the malfeasance of forest officials, a sort of thing that came up more regularly and very frequently at the forest eyres.[3]

Bracton, in his *Notebook*, recorded a plea which shows the two laws running into one another. The tenement around which the dispute centered was in Dillington, Huntingdonshire, and was afforested at the time. The assize came to recognize whether Richard de Boeles and others had disseised Peter Scissor of his free tenement in Dillington. Richard came to say that he and the co-defendants claimed only common of pasture, and that it was the foresters and not he who knocked down (*prostrata*) the ditch (*fossata*) and by consideration of the verderers.[4] That is, the foresters under forest law had destroyed a ditch illegally constructed, and the injured party, Peter de Scissor, tried to bring Richard de Boeles and others, who apparently were interested in the matter only because they claimed common of pasture there and had nothing to do with the destruction, to justice under the common law.

On one of the Staffordshire assize rolls there is a case again showing confusion in the minds of men concerning forest and common law. Philip de Montgomery and three others were accused of unjustly disseising Robert le Champyon of twenty acres of land and thirty acres of heath in Otherton and Hatherden. Philip pleaded

[1] W. N. Landor, *Alrewas Court Rolls, Coll. Hist. Staff.*, vol. for 1910, pp. 109, 106.
[2] *Placit. Abbrev.*, p. 278 (13 Edw. I). Other cases, *ibid.*, pp. 238, 294 (26 and 27 Edw. I).
[3] *Ibid.*, pp. 206, 265, 291 (12, 3, and 22 Edw. I).
[4] Maitland, *Bracton's Notebook* (23 Henry III), case 1261.

that, since the tenement was ancient demesne, there could be no writ except the writ of right, and that he had entered by Thedese, Dean of Wolverampton, and not by a disseisin. He brought forward also that Robert had wished to enclose the land by a fence and a ditch, although the land was within the King's Forest, between two hays. This Philip had prevented his doing by order of the Chief Justice of the Forest. The jury found in favor of Robert, ignoring the point of forest law.[1]

By far the most serious case of this type appears on a forest eyre roll, where is reflected a rather astonishing happening which took place in a common law court. At the Northamptonshire forest eyre of 1255, it was presented and proved by the foresters and verderers

> that on the Sunday next after the Invention of the Holy Cross in the thirty-fifth year Robert of Corby, Geoffrey Gos of the same town, and Robert the son of Godfrey were taken with the proceeds of their evil deeds to the venison and imprisoned at Northampton. And Robert of Corby now comes and, being convicted, is detained in prison. And the said Geoffrey and Robert, the son of Godfrey, do not come; and they were imprisoned at Northampton in the time of Robert Basset, who was then the sheriff and who is now present. He says that Robert, the son of Godfrey, and Robert Gos were convicted of theft before Geoffrey of Lewknor, a justice assigned for delivering the gaol of Northampton; and by judgment they were hanged. And the said Geoffrey is present and well acknowledges that they were convicted before him as is aforesaid. And he says that there were then present the foresters and the sheriff, who made no mention of the fact that they were imprisoned for trespass to the venison. And Robert Basset who was then sheriff can not deny this; therefore to judgment with him.[2]

This official omission of detail was costly to the malefactors who were hanged, because under the forest law they would have been released with a fine. Such was the result when, by carelessness or ignorance, a justice of the common law hanged men who were imprisoned for breach of the forest law.

We have so far found in common law records evidence that the two laws in force simultaneously in afforested districts sometimes became tangled, to the possible hurt of those concerned. There is

[1] Wrottesley, ed., *Extracts from the Plea Rolls, Hist. Coll. Staff.*, VI, i, 233.
[2] Turner, *Select Pleas of the Forest*, pp. 33, 34.

one case in the Huntingdon forest records which shows common law procedure used in a forest court. We see that this procedure works stiffly, as if rarely applied.

A certain stranger was found slain in Sapley. Richard Lenveyse, the walking forester, who was the first finder, does not come, nor was he attached, because the verderers say and witness that they made no attachment of the finder of the said man who died or was slain within the metes of the forest, to wit, within the King's demesne wood, nor were they wont at any time to make any such attachment of the finder nor of the four neighbours, nor did they present Englishry by reason of the assize of the forest. And because the law of the land concerning the death of a man ought not to be abated on account of the assize of the forest, the procedure must be according to the form of the pleas of the crown. No Englishry, therefore murder on the hundred of Hurstingstone. And because the inquisition was before insufficiently made, let inquiry be made by the verderers and four neighbouring townships . . . and also by the whole Hundred of Hurstingstone, who say upon their oath that the said Richard Lenveyse and a certain William of Cornwall are guilty of that death. And William was a stranger and unknown, and immediately after that death he went away and as yet has not returned, therefore nothing of his outlawry; and let inquiry be made concerning him. And let Richard be exacted and outlawed. His chattels are sixteen pence, whereof John of Mareham the sheriff will answer.[1]

The same action was taken against Richard Lenveyse the forester, and the stranger, William of Cornwall, as would have been taken at a general eyre, or a jail delivery. At this forest eyre, the verderers assisted at the inquisition, and the four townships had been summoned for forest law business, but otherwise the difference could have been scarcely apparent. It will be remembered that, when Geoffrey of Lewknor delivered the jail at Northampton, there were verderers in court, although not very active when the offenders under their charge were sentenced to be hanged. Evidently all the important officials appeared at all the eyres, forest or general; we have seen that they did not distinguish with exactitude between the two laws. It is possible, and it would be very interesting to suppose, that the death of the stranger found slain in Sapley was further investigated in a common law court.

[1] Turner, *Select Pleas of the Forest*, p. 19.

Elsewhere we find the conditions nearly reversed. In one of the most famous forests, one of the few which are still so-called 'forest' to-day, the Forest of Dean, pleas of the crown were regularly presented in the general eyres by means of forest officials, the verderers. This occurred, however, only in a limited portion of the forest, the covert. Throughout the greater part, common law and forest law had their separate courts, with their cases and their procedure kept according to their special forms, as has been already stated in the first part of this paper (cf. pp. 171 ff. above).

To understand the conditions, we must examine the forest more closely. The district called to-day the Forest of Dean, with the addition of a larger area stretching to the Wye on the west and toward the Severn on the east, was, during the thirteenth century, the covert of the forest. A still larger area, taking in the entire peninsula between the Wye and the Severn, stretching north to Newent, was afforested for most of the century, but under dispute when questions of forest boundaries came up between king and subjects. The forest beyond the covert was, as has been said, like other forests, subject to common and forest law, each with its separate administration. In the covert, however, appears an interesting example of the mingling of the two laws. As may be seen from the roll of the Gloucestershire eyre of 1221, procedure with regard to pleas of the crown varied from the ordinary course when the crimes were committed within the covert. According to the usual procedure at general eyres, the roll shows that juries from the various hundreds, townships, and manors presented their cases to the justices. The noticeable and unusual fact is that from the covert 'verderers in the place of coroners present pleas of the forest, because the County records that it used to be done.'[1] The *loquelas de Foresta* were not pleas of the forest in the strict sense, but pleas concerning those happenings that came within the cognisance of common law in dealing with crown pleas, as is obvious in reading the record.

The procedure concerning these pleas was not so clear to the

[1] F. W. Maitland, ed., *Pleas of the Crown for the County of Gloucester before the Abbot of Reading, 1221* (London, 1884), p. 47.

verderers or to the justices as not to need some general statement or definition of custom. Richard of Westbury, Richard of Bleisdon, Richard of Eston, William of Heliun, and Ralph of Rodley, the verderers who presented the pleas of the crown,

> say that there is no frankpledge in the Forest, and townships ought not to answer for fugitives; and the county records that a township must answer for all fugitives, and this is found in the rolls of the last eyre, to wit, concerning the township of Bicknor, which was amerced at half a mark for the flight of Gromhugelot who burned a certain house; and therefore to judgment by the verderers.[1]

The law as finally decided is this: verderers, not coroners or local juries, present the pleas of the crown to the justices from the covert; there is no frankpledge in the covert, but nevertheless part of the covert, organized into townships, must answer for fugitives. Careful study of local conditions reveals that a large part of the covert was extra-township. We find evidence of this in the nature of the presentments of crown pleas in the roll under discussion. In most cases, the names of the places from which the pleas originated, or which were responsible for crimes, are omitted, the phrase 'within the forest' being sometimes substituted. A few run as follows: 'Lovicus of Staunton killed Walter the Chaplain and fled. . . . he was staying in the town of Staunton, and therefore the township is in mercy.'[2]

We thus see that common law and forest law, existing, as we have said, 'side by side' in afforested regions, did not each keep to its seperate field of action, but occasionally became entangled. The Year Books show us at least one instance of discussion concerning the legitimate business of each. At the Staffordshire Eyre of 1293, John de M. brought an action of novel disseisin against the Earl of Warwick. He claimed that he had been disseised of a hundred acres of wood. The defendant answered that the wood was within the bounds of the King's Forest. The record continues, 'Judgment, if here we ought to answer at the common law of a thing that touches vert; inasmuch as pleas of vert belong to the Justice of the Forest in eyre.' The defendant returned that the wood was in a chase and not a forest, and therefore he had no remedy except at common

[1] Maitland, *loc. cit. supra.* [2] *Ibid.*

law. When it was brought up that the wood, although now in a chase, used to be in a forest, the plaintiff said, 'If we can not have a remedy by this writ at common law, give us a remedy.' This request the justice said was not within his power to grant, but he finally pronounced that the wood, although now a chase, was still within the bounds of a forest, and that they must await judgment if here 'we ought to answer of a thing which touches vert.' Here the case ends except for the note that the parties came to terms later.[1]

And so we must leave the matter. John de Berwick, the justice before whom the preceding case was heard, confronted by the interplay of the two laws, was forced to say, 'Await judgment.' We, who look over the records of the century, pronounce with more certainty. We have found that, in ordinary course, forest pleas were heard in forest courts, and the criminal or civil pleas which originated from the same districts were heard in common law courts. We have found, for the most part, that the exceptions to the rule — if the meagre records can be trusted — caused little difficulty, although in the Sapley murder case search for the slayer was delayed, and in the Northampton case two men were hanged by mistake.

[1] *Year Books of the Reign of Edward I* (Rolls Series, London, 1866), *Year Book, 20–21 Ed. I*, pp. 424 f.

Moylan, Pennsylvania.

SANITATION, BATHS, AND STREET-CLEANING IN THE MIDDLE AGES AND RENAISSANCE

By LYNN THORNDIKE

AMONG the many reproaches made against the Middle Ages one of the most insistent aspersions has been a three-headed slander, barking like Cerberus to this effect. First, that the streets of mediaeval towns were constantly foul-smelling and full of filth, owing to the lack of closed sewers and private or public conveniences, to the custom of throwing refuse into the street, and to the failure of the municipal authorities to clean the pavements. Second, that soap and baths were little known in those benighted days. Third, that these dirty and pestilence-breeding living conditions in the crowded towns were accompanied by a complete lack of anything resembling sanitary legislation and administration or care for public health. So far as I know, very little specific evidence has accompanied these broad charges — or, at least, one could desire a great deal more than has been adduced. One suspects that they have been largely due to prejudice against the Middle Ages and the subconscious impression produced by the survival of some such conditions into rather recent modern times. Therefore, on the assumption that everything has steadily progressed since 'the revival of learning' and the Reformation, it has been inferred that conditions must have been much worse in the Middle Ages. If Islip is still a stinking village to-day, think what it must have been when it was the birthplace of Edward the Confessor. If Villeneuve-lès-Avignon smells far from sweet now, what must Avignon itself, on the other side of the Rhone, have been like during the Babylonian Captivity? If a public urinal across the street from my hotel in Florence offended my nose in 1912, how could I have endured the streets from which Dante was exiled in 1302? But this line of reasoning can be turned in just the opposite direction. If in the same year of 1912, in one of the main streets of Troyes, I saw little boys industriously collecting the fresh horse-manure from the pavement into dust-pans and

patting it down with their bare hands into a compressed mass to make room for more (and this is exactly what I did see) — in the Middle Ages, when the townsmen were so much poorer (*sic?* well, perhaps not in Troyes, the thriving commercial centre of the fairs of Champagne) and the towns were so much more agricultural in character or, at least, in closer relation to the surrounding fields, would not a similar disposition of refuse for fertilizing purposes have been promptly negotiated?

Such logic is not infallible, and the idea of progress is a misleading guide in this connection. In England, in 1844, a royal commission found only two towns where refuse was removed at the public expense from the courts and alleys of the slums. How could mediaeval conditions have been worse than that? During the same decade of the nineteenth century, 'three hundred London sewers,' we are told, 'emptied themselves into the Thames above the lowest intake of the water companies.' But back in 1550, when Henry II of France proposed to turn some of the sewers of Paris into the Seine, the municipal authorities vetoed the suggestion on the ground of danger to the public health, since half the population of the city were dependent upon the river for water for cooking and drinking purposes.[1] Formerly sewers had drained into the river, but the municipality had learned its lesson as nineteenth-century England was to learn its. These illustrations serve to warn us against regarding as a lineal heritage from the Middle Ages bad new conditions which actually resulted from the industrial revolution of the eighteenth and nineteenth centuries, and the negligence of early modern medicine. The modern slum has been well described by Perris [2] as a distinctive monument of nineteenth-century industrialism. Havelock Ellis, in his *The Nineteenth Century, An Utopian Retrospect* (1901), has emphasized the presence of human excrement in the life of the common people as has no work on the mediaeval towns, to my knowledge. It seems the part of common sense to hold that, as the mediaeval towns first developed out of country villages, sanitary arrange-

[1] Marcel Poëte, *Une Vie de Cité: Paris de sa Naissance à nos Jours* II (Paris: Picard, 1927), 257, 258 (*La Cité de la Renaissance*).

[2] G. H. Perris, *Industrial History of England* (London: Kegan Paul, Trench, Trübner, 1914), p. 157.

ments would remain crude and gradually become intolerable, just as they did in the new towns or newly crowded quarters of old towns in the England of the industrial revolution and early nineteenth century. That, as the towns reached their height of enterprise and prosperity and intelligence, — and they certainly were possessed of all three to a high degree, — such conditions would be vastly improved. That, as they declined again from their best period and suffered from war or pestilence or misgovernment, there might be a reversion to a less satisfactory state of affairs.

But now let us turn from *a priori* reasoning to something in the way of definite evidence. We may deal first with the third accusation against the mediaeval towns, since it is very easily disposed of. So many instances are known of mediaeval towns maintaining municipal physicians, that it is perfectly absurd to contend that there was no sanitary administration or care for public health. In Milan, for example, not only does Bonvicino de Ripa, in the thirteenth century, state the number of physicians in the city as nearly two hundred, but Galvaneus Flamma, writing in the early fourteenth century, adds that a number of them are salaried by the commune to give free medical attendance to the poor.[1] Hospitals and charitable institutions were also widespread. I have already quoted in my *History of Civilization* (p. 333) the statement of Garnier [2] that practically all the hospitals now existent in Burgundy have come down from the Middle Ages, and that for all modern philanthropic institutions may be found their mediaeval counterparts and forerunners. Similarly the reviewer in the *Revue des Questions Historiques* of the recent work of Dorothy Louise Mackay on the mediaeval hospitals of Paris [3] remarks 'the use in the public service of the sick in the Middle Ages of many of the "innovations" of our present hospitals,' and notes that the principles of hospital administration, the recruit-

[1] Galvaneus Flamma, *Chron. Extrav.* Qy. 23, nos. 87, 88: 'inter quos sunt plures salariati per communitatem qui gratis tenentur pauperes medicare,' cited by Argellati, *Bibliotheca Scriptorum Mediolanensium* (Milan, 1745), I, xxxi. and edited Ceruti, *Miscellanea di Storia Italia*, VII (1869), 488, 489.

[2] *Chartes de Communes et d'Affranchissements en Bourgogne*, Introduction de Joseph Garnier [who died in 1903], terminée par Ernest Champeaux, Dijon, 1918; pp. 787–960 deal with the subject of charity.

[3] *Les Hôpitaux et la Charité à Paris au XIIIe Siècle*, (Paris: 1923); 168 pp.

ing of the personnel, the internal discipline, have changed but little since the days of Saint Louis.[1] Furthermore, it is now recognized by historians of medicine that the Middle Ages surpassed antiquity in knowledge of contagious diseases and measures taken against infection, especially after the Black Death of 1348.[2] Indeed, these strict mediaeval quarantines excited the ire of a doctor of medicine who in the first half of the nineteenth century wrote the history of the town of Nantes, who regarded them as infringements upon individual liberty and relics of barbarous centuries, and who, in conformity with *his* idea of what constituted progress and enlightenment, looked forward to the speedy arrival of the day when sequestration should be abandoned as a method of preventing the spread of contagious diseases![3] The fuller statement by him which I have quoted in the note suggests that the mediaeval doctors were

[1] 'Il est piquant de trouver en usage dans le service public des malades au moyen âge quantité d' "innovations" de nos hôpitaux actuels. Les principes d'administration, du recrutement du personnel hospitalier, de la discipline intérieure n'ont guère changé depuis le temps où Louis IX accordait à l'Hôtel-Dieu une insigne protection,' *Revue des Questions Historiques* C (1924), 236.

See also L. Brièle, *Collection de Documents pour servir à l'Histoire des Hôpitaux de Paris*, 1881–1887, 4 vols.

I am not qualified to give an at all complete or adequate or well-rounded bibliography of literature on mediaeval hospitals and charities, but it would be easy to fill a page or two with references. In English, interesting information in a small space is given by J. H. Wylie, *The Reign of Henry the Fifth* I (1914), 139, 140, 355, 379, 380, etc., from which I have already made some citations in my paper on 'The Study of Western Science of the Fourteenth and Fifteenth Centuries,' *Medical Life* XXXII (1925), 117–127; cf. esp. p. 120.

[2] See Paul Diepgen, 'Die Bedeutung des Mittelalters für den Fortschritt in der Medizin,' in *Essays on the History of Medicine presented to Karl Sudhoff*, edited by C. Singer and H. E. Sigerist (Zürich: Seldwyla, 1924), pp. 99–120, especially pp. 108–112.

[3] A. Guépin, *Histoire de Nantes* (2d ed., 1839), p. 292: 'En lisant ce qui précède, nous sommes indignés des mesures violentes que prenaient nos pères pour se préserver des épidémies. La suspension de toute liberté individuelle, les cadenas mis aux maisons, sont autant de moyens qui nous révoltent. Prompts à porter un jugement, nous blâmons vivement ces mesures de terreur, et nous déclarons dignes des siècles de barbarie. . . . Nous devons remarquer encore que jamais la séquestration et les mesures les plus rigoureuses n'ont entravé les maladies contagieuses dans leur marche. Une sévérité excessive appelle l'attention des esprits faibles, exagère à leurs yeux les dangers de l'épidémie; la peur du mal fait naître le mal de la peur, et prédispose singulièrement à subir les fâcheuses influences [p. 293] d'une atmosphère qui renferme des miasmes dangereux. Les soins de propreté, les mesures hygiéniques et les moyens propres à distraire les imaginations faibles préservent cent fois mieux une ville du typhus, de la peste ou du choléra, que les cordons sanitaires et les lazarets. Chaque jour cette opinion que les faits historiques confirment [*sic*], acquiert de nouveaux partisans parmi les hommes les plus éclairés, et bientôt les médecins des lazarets, et les autres employés de ces établissements seront les seuls à soutenir une doctrine vieillie, sur laquelle reposent les abus dont ils profitent.'

much closer than he to the germ theory of disease, although he was at least four centuries closer in time, which apparently has its relativities as well as space. But it does seem a bit hard on the Middle Ages that in one century they should be accused of barbarism on the ground of neglecting public health, and in another age for enforcing it. The conclusion of the whole matter seems to be that the charge that the mediaeval towns were unsanitary can be maintained, if at all, only in the narrowest sense of that word, and so reduces itself to the first two of the three charges.

We therefore pass on to the second calumny, that soap and baths were little used in those times. In the general nature of things it would be passing strange if a society which took so many precautions against infection should take none against dirt as a possible source of disease, whatever theories, in part astrological in origin, may have prepossessed them, like the early nineteenth-century historian of Nantes, as to the infectious character of the air. Without arguing the point that some of the means employed against infection, such as costumes much resembling divers' suits and strong aromatics, would be more effective in keeping off insects than in excluding or purifying the air breathed, and seem to indicate an instinctive and empirical, if not fully realized and articulate, sense that fleas and the like might be spreaders of infection — without arguing this, we may simply observe that dirt and filth were then believed to be under the influence of the stars as truly as the air or any other element or compound. Moreover, the belief was general among learned men and students of nature that lower and minute forms of animal life, such as worms and flies, were spontaneously generated from dust, slime, and putrefaction. It therefore seems improbable that mediaeval men would leave filth and refuse lying about in the streets, or allow dirt to collect upon their persons, if they could prevent it.

Once more turning from theories and probabilities to concrete evidence, we may first briefly note the telling fact that bathing was much stressed in mediaeval works of medicine and hygiene. It is true that those who insist upon the dirtiness of the Middle Ages have sometimes interpreted this to mean that men bathed only

when they were sick, but this is obviously unfair dialectic. It shows the same wrongheadedness as those who have used the fact that certain saints were famed, among other austerities, for their neglect of cleanliness of the person, to give the impression that the period was favorable to dirt. Whereas the more natural inference would be that uncleanliness was as rare as is saintliness in this sinful world, or, at least, that cleanliness was the normal condition. But the fact which is absolutely destructive to the contention that mediaeval men did not wash with any frequency, is the widespread existence of public baths in mediaeval towns. To the influence of the Roman Empire, with its vast public baths, was added the habits of the German invaders, who in Caesar's day had bathed in rivers even in the depth of winter, and in the time of Tacitus had advanced to the stage of warm baths. And in those parts of Europe touched by the Arabs would be added the influence of the teachings of Mohammed as to personal cleanliness. Thus in a town as far north in the Spanish peninsula as Teruel in Aragon, we find in the statutes of A.D. 1176 careful provisions as to the use and maintenance of the public bath.[1] If we leap across space and time to the Germany of the later Middle Ages, we have evidence of four public baths in fourteenth-century Mainz, while Frankfort-on-the-Main had at least fifteen in 1387, and numbered twenty-nine bath-keepers among its citizens. In the the next century there were eight bathing establishments in Würzburg, eleven in Ulm, thirteen in Nürnberg, seventeen in Augsburg, twenty-nine at Vienna.[2] If the Emperor Wenzel drank more wine than water, he none the less seems to have shared in a high degree the fondness of his subjects for these bathing establishments; so

[1] F. A. Navarro, *Colección de Documentos para la Historia de Aragon*, Tomo II. *Forum Turoli* (Saragossa: M. Escar, 1905), sect. 291, 'De balneis.' I have given the gist of its provisions in my *Short History of Civilization*, p. 323.

[2] Theodore Puschman, *A History of Medical Education* (London, 1891), p. 276.

The history of bathing, and of mediaeval bathing in particular, has received considerable attention in German monographs. Some examples are: Karl Baas, *Mittelalterliche Gesundheitspflege im Heutigen Baden*, 1909; Alfred Martin, *Deutsches Badewesen in Vergangen Tagen*, 1906; E. Bäumer, *Die Geschichte des Badewesens*, 1903; Kochendörffer, 'Zum Mittelalterlichen Badewesen,' *Zeitschrift f. Deutsche Philologie*, Bd 24; Marcuse, 'Badewesen im Altertum, Mittelalter und Neuzeit,' *Vierteljahresschrift f. Oeffentl. Gesundheits*, Bde. 31, 32 (1899–1900); G. Zappert, 'Ueber das Badewesen Mittelalterlicher und Späterer Zeit,' *Archiv f. Kunde Oesterreich. Geschichtsquellen*, Bd 21 (1858–59).

that the borders of a number of illuminated manuscripts prepared for him, even to the German translation of the Bible in six volumes,[1] are adorned with figures of bathtubs, other accessories of the bath, and either bathing girls or bath-keepers in as scant costume as at modern beaches. From representations of Wenzel himself with them or in stocks appears to have developed the legend that he was freed from prison by a fair bath-keeper named Susanna.[2] It is more likely that the pictures of him are meant to indicate symbolically that she holds his heart in fond captivity. This sensual side of bathing, also emphasized by Boccaccio, should not obscure the fact that the primary purpose of the baths was cleanliness, although mineral baths and the like were much frequented for purposes of health. If we come back from Germany to the lands lying between it and Spain, taking Florence as an example of the Italian town, we find no less than three streets of baths there in the Middle Ages.[3] Or if we turn to France, we find twenty-six bathing establishments listed in the *taille* of 1292, while the *Livre d'Étienne Boileau* includes statutes for the occupation of bath-keeper. Indeed, the latest historian of the French metropolis goes farther than this. M. Marcel Poëte does not hesitate to affirm: 'The Parisians of that time had at least one point of superiority to those of to-day: they bathed much more.'[4] And he goes on to say that this general mediaeval practice of bathing disappeared, or began to disappear, with the Renaissance![5] Herr Bäumer, too, in his history of bathing, notes the decline of mediaeval bathing.[6] Not only, then, is it a libel against the mediaeval townsman

[1] On Wenzel's Bible, see A. Woltmann and K. Woermann, *History of Painting* (English translation by S. Colvin), I (1880), 386.

[2] A. Horcicka, 'Die Saga von Susanna,' *Mitteilungen des Instituts f. Oesterreichische Geschichtsforschung* I (1880), 105–120. He mentions various MSS at Vienna but does not seem to include a handsome astrological one which I examined there in the summer of 1927, and which has the same sort of pictures as the others. As it bears the dates 1392 and 1393, it would seem to antedate Wenzel's imprisonment by the Bohemian nobles in May, 1394, and so to afford further proof that his release was not effected by the bath-keeper Susanna. See Latin MS, Vienna 2352 (Philos. 201), esp. fols 1r and 34r.

[3] Robert Davidsohn, *Geschichte von Florenz* IV, iii (Berlin: Mittler, 1927), 337, 338.

[4] Marcel Poëte, *Une Vie de Cité*, I (1924), 620: 'Les Parisiens de ce temps avaient du moins une supériorité sur ceux de maintenant: ils usaient beaucoup plus les bains.'

[5] *Ibid.*, 'Un usage aussi général s'est perdu à dater de la Renaissance.'

[6] E. Bäumer, *Die Geschichte des Badewesens*, published as Heft 7 of *Abhandlungen zur Geschichte der Medizin*, Breslau, 1903.

to assert that he seldom took a bath, but it must be recognized that developed mediaeval society was actually superior in this regard to modern Europe, and that the decline in personal cleanliness came with the decline of mediaeval culture and society.

With this in mind we approach the last trench of those who would denigrate the Middle Ages in the matter of sanitation and cleanliness, namely, the question of the state of the streets and of conveniences in the mediaeval town. On this point it is not to be denied that a certain amount of specific evidence has been adduced to show an unsatisfactory state of affairs; but it is to be doubted if the sweeping generalizations which have been based upon this scattered evidence, which is apt to reduce to a few particular cases somewhat widely separated in place and time, have been justified. In this connection it may be well to reflect a moment as to what sort of evidence should be expected and accepted upon such a matter as social conditions and standards of cleanliness and sanitation. If a society lived contentedly with the streets in a state of 100 per cent filth, this condition, however shocking and deplorable it may seem to us, would evoke no remark or comment from contemporaries, and no records to prove the past existence of such a condition would come down to us. Most of the complaints that have come down to us from the past as to filthy and evil-smelling streets will be found to be applicable to abuses rather than to normal usage, and to testify to the existence in public opinion of higher standards in such matters than the presence of the abuse itself would suggest. Legislation is also notoriously deceptive in such matters. Is a law, and more especially repeated legislation, against nuisances and the like more indicative of their prevalence, or of public activity and sentiment against them? The argument from silence, or from lack of evidence to demonstrate the existence of street-cleaning and sanitation, is equally dangerous. Incidental evidence is likely to be much more valuable, but care must be exercised in interpreting it. In view of such considerations as these, it has seemed to me that those authors of local and town histories who have discussed the condition of mediaeval streets have not presented sufficient convincing evidence to warrant their unfavorable generalizations.

Moreover, such unfavorable generalizations usually acquire added strength in the next repetition. In a review of the second volume of Poëte's history of Paris in the London *Times*,[1] it is asserted of Paris of the Renaissance, or late fifteenth and sixteenth centuries, 'the stench of the streets spread for leagues over the surrounding country,' and in another review in the same newspaper[2] of the latest instalment of Davidsohn's monumental history of Florence we read: 'For Florence, notwithstanding her splendour, was foul, ill-kept and ill-smelling. The strictest regulations were useless to prevent the citizens from depositing filth upon the highway.' I have searched the volumes reviewed in vain for the counterpart of these strong statements. The closest approach that I could find in Poëte was, 'Un souffle de campagne passe sur la ville d'où se dégage en même temps l'odeur nauséabonde d'un entassement humain malpropre,[3] and 'C'est une ville très sale.'[4] What Davidsohn says is that the street-cleaning left very much to be desired.[5]

Let us examine a little further such specific details as Davidsohn gives concerning the streets and conveniences of Florence of the thirteenth and early fourteenth centuries. He states that Florence had no such regulations and official inspection concerning the cleanliness of street pavements as little San Gimignano had in the thirteenth century, and that not until the Black Death of 1348 were officials appointed to see to the removal of refuse. Again, although public conveniences were constructed at San Gimignano in 1255, the poor of Florence were still using the town wall, ruined buildings, or vacant lots for such purposes as late as the early fourteenth century.[6] If, however, this is to the discredit of Florence, it is equally to the credit of little San Gimignano, and cannot be taken as conclusive evidence against mediaeval towns in general. It is also well to remember that it seems to have been a matter of custom

[1] *Literary Supplement*, November 3, 1927, p. 782.

[2] *Ibid.*, August 25, 1927, p. 571.

[3] Marcel Poëte, *Une Vie de Cité: Paris de sa Naissance à nos Jours*, II, 255.

[4] *Ibid.*, p. 257.

[5] *Gesch. v. Florenz* IV, iii (1927), 262: 'Die Strassenhygiene liess sehr viel zu wünschen übrig.'

[6] *Ibid.*, pp. 262, 263; *Anmerkungen*, p. 74.

rather than statutory legislation in mediaeval towns to hold each householder responsible for the cleanliness of the pavement in front of his dwelling.

Davidsohn grants that by this time it was becoming the rule for the well-to-do to have private conveniences in their houses.[1] In this connection it may be recalled that the feudal castle used to be represented as lacking such facilities until Viollet-le-Duc pointed out the evidence for their existence, and skilful planning and construction to avoid bad odors. Monasteries had their lavatories and latrines, of course, and it will be remembered that sympathizers with Huss made quite an ado because he was imprisoned at the Council of Constance in a room next to the latrines, which indicates that even Bohemians were not accustomed to put up with such odors. I should even be inclined to draw a similar inference from the incident of 1297 at the church of San Lorenzo, of which Davidsohn[2] and his reviewer in the London *Times* make so much.

If we pass on in the history of Florence to a later mediaeval period not yet reached by Davidsohn in his work, we find Salutati, writing in 1399,[3] display a squeamishness as to medical examination of urine and inspection of human excrement, 'disagreeable to smell, foul to the sight, and unsettling to the stomach,' which would scarcely seem consistent with the existence of such filth in large quantities in the streets or open places of the city of which he was not merely a native but the official secretary. Indeed, in a dialogue by Leonardo Bruni (1369–1444) Salutati is represented as saying: 'In magnificence, indeed, Florence perhaps surpasses those cities which are now in existence, but in cleanliness it surpasses both those that are now in existence and all those that ever were. . . . For neither Rome nor Athens nor Syracuse were, I think, so clean and well kept, but in this respect were far surpassed by our city.'[4] A very different

[1] *Gesch. v. Florenz* IV, iii (1927), 331.

[2] His account of it at II, ii (1908), 509, 510, is fuller and gives a slightly different impression from the briefer allusion at IV, iii (1927), 263.

[3] In his *De Nobilitate Legum et Medicinae*, described in my article on 'Medicine Versus Law in Late Mediaeval and Medicean Florence,' *Romanic Review* XVII (1926), 8–31; see esp. p. 27.

[4] Theodor Klette, *Beiträge zur Geschichte und Literatur der Italienischen Gelehrtenrenaissance* II (1889), 67, 68: 'Leonardi Aretini ad Petrum Paulum Istrum Dialogus,' liber II.

estimate this from the English reviewer's: 'Florence, notwithstanding her splendour, was foul, ill-kept and ill-smelling.' Bruni was even more specific on the same point in his *Eulogy of the City of Florence*, in which he remarks that some towns are so dirty that whatever filth is made during the night is placed in the morning before men's eyes and to be trodden underfoot, 'than which it is impossible to imagine anything fouler. For even if there are thousands there, inexhaustible wealth, infinite multitude of people, yet I will condemn so foul a city nor ever think much of it. For just as there cannot be felicity in a deformed body, although it may possess all other excellencies, so there can be no beauty in cities, if they are filthy, although all other advantages may be present.' [1]

Perhaps the safest conclusion in regard to the cleaning and sanitary status of mediaeval streets would be that some towns were satisfactory in this respect and others not, or that the same town varied at different periods. This is further borne out by the Italian humanist, Fausto Andrelini of Forlì, who taught at the University of Paris in the later years of the fifteenth century and addressed a vivid complaint as to the filthy condition of the streets of the French capital and objectionable personal practices of its inhabitants in the form of a Latin poem to Budé.[2] Yet at this very time inhabitants

[1] Klette, *cit. sup.*, 'Leonardi Aretini Laudatio Florentinae urbis,' pp. 87, 88.

[2] *Publii Fausti Andrelini Foroliviensis poete laureati ad Guillermum Budeum Parrhisienum patricium, graeca et latina litteratura insignitum, de influentia syderum et querela Parrhisiensi pavimenti carmen*, 1496. The poem will scarcely bear translation into English, but a few lines of the original may be given to illustrate its character. L. Thuasne called attention to it in his article, 'Rabelaesiana,' *Revue des Bibliothèques* XIV (1904), 281–304. I have read the original incunabulum edition at the British Museum:

Ast ego continuo turbe pede calcor euntis
Et curru infelix preterunte teror,
Et iactam ex altis urinam poto fenestris,
Mingit et in media sexus uterque via.
Undique merda fluit puerorum infecta cacantum
Et ventri pateo spurca latrina gravi.
Stercora quinetiam brevibus resoluta cucullis
In non tergendam deiiciuntur humum.
Suavior ut fiat triplici mixtura sapore
Immundum effundit lota culina situm.
Principio ignarus solum putat advena cenum
Et damnat multo sordida strata luto.
Clamat et, O verum sortita Lutetia nomen,
Quam bene sunt fame congrua facta tue.

of Paris successfully objected to the presence of a potter in their neighborhood because of the disagreeable odors that his occupation involved.[1] Erasmus was another foreigner to inveigh against the filthiness of the streets of Paris at the beginning of the sixteenth century, but we must of course infer therefrom that the conditions of which he and Andrelini complained did not exist in their native towns or other habitual haunts. Poëte, in his history of Paris, does not state that the condition of the streets declined with the Renaissance period, as he did state of the public baths, but he certainly does not show an improvement,[2] although in 1554 there were 800 carts to remove filth twice daily. But a document of 1270 shows the existence then of an official, with assistants, to care for the streets, and the specific instances of uncleanliness which Poëte gives date from the time of the Hundred Years' War and Black Death,[3] when the city was depopulated and disorganized, and hence probably do not represent the best conditions of mediaeval Paris.

Some early modern towns were apparently dirtier than those of the Middle Ages, and others cleaner. We have strong descriptions of the filthiness of the streets in a new royal capital like Madrid in the sixteenth and seventeenth centuries. On the other hand, on August 1, 1621, James Howell wrote of Venice: 'I admired her magnificent buildings, her marvelous situation, her dainty, smooth, neat streets, whereupon you may walk most days in the year in a silk stocking and satin slippers without soiling them.'[4] But of course Venice, with its canals, was an exceptional case.

No very positive position, then, would yet seem possible as to the sanitary condition and care of the streets in times past, and the Middle Ages in especial. What we need is less mud-slinging and more facts. If the foregoing discussion serves to check the former somewhat and to encourage the production of more of the latter, it will have achieved its purpose.

[1] Poëte, *Une Vie de Cité*, II (1927), 56.
[2] *Ibid.*, II, 254–258. [3] *Ibid.*, I (1924), 613–619.
[4] *Familiar Letters*, quoted by H. D. Sedgwick, *Ignatius Loyola* (New York: Scribner's, 1923), p. 162.

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KRONIKA O ALEXANDRU VELIKÉM: A CZECH PROSE TRANSLATION OF THE *HISTORIA DE PRELIIS*, RECENSION J^3

By FRANCIS PEABODY MAGOUN, Jr and S. HARRISON THOMSON

As is now generally understood, the *Natiuitas et Victoria Alexandri*,[1] a mid-tenth-century translation into Latin by a Neapolitan Archpresbyter, Leo, from a (lost) so-called δ-group MS. of the Greek Pseudo-Callisthenes,[2] thrice underwent expansion and elaboration. These expanded versions of Leo's work pass commonly under the generic title *Historia de Preliis* and exist in three main recensions: J^1, the earliest, was twice independently reworked, yielding recensions J^{2g} and J^3 (*ante* 1150); J^{3a} (*ca.* 1150) designates a recently discovered derivative of J^3, apparently local to England.[4] The J^3 recension is of special interest to bibliophiles since, in an abbreviated form, it was utilized for most of the famous *Historia de Preliis* incunabula, notably those printed at Strassburg.[5] Although Latin texts of recensions J^1 and J^2 have already been edited,[6] we

[1] Ed. Fr. Pfister, *Der Alexanderroman des Archipresbyters Leo* (Sammlung Mittellatein. Texte, Nr 6, Heidelberg: Winter, 1913); the Introduction (also printed separately in 1912 as a habilitationsschrift) gives orientation in chief occidental versions.

[2] Orientation by W. von Christ, *Geschichte d. Griech. Lit.* (6th ed., Munich: Beck, 1922), II, ii, 813–816 (§ 734) and by W. Kroll in Pauly-Wissowa XX (1919), 1707–1723 and in his *Historia Alexandri Magni* (*Pseudo-Callisthenes*): Vol. I. *Recensio Vetusta* (Berlin: Weidmann, 1926), Praefatio.

[3] G. L. Hamilton, 'Quelques Notes sur l'Histoire de la Légende d'Alexandre le Grand en Angleterre au Moyen Age,' *Mélanges de Philologie et d'Histoire offerts à M. Antoine Thomas* (Paris: Champion, 1927), pp. 201, 202, urges an eleventh-century date; against Hamilton's argument see Fr. Pfister, *Germanisch-Romanische Monatschrift* XVI (1928), 84, 85.

[4] Identified and discussed by G. L. Hamilton, 'A New Redaction (J^{3a}) of the *Historia de Preliis* and the Date of Redaction J^3,' Speculum II (1927), 113–146.

[5] Strassburg 1489 has been reprinted by K. Kinzel in his *Lamprechts Alexander* (Germanist. Handbibliothek VI, Halle, 1884) at the foot of pp. 3 ff.; for the classification of the incunabula in detail see G. L. Hamilton, *art. cit.*, p. 118, n. 2 (references given). For a description of these incunabula and where they may be found, see *Gesamtkatalog der Wiegendrucks*, Vol. I (Leipzig: Hiersemann, 1925), col. 440 ff. *passim*.

[6] J^1 by O. Zingerle as an appendix to Vol. IV of Germanist. Abhandlungen (Breslau, 1885); J^2 by A. Hilka in *Der Altfranzösische Prosa-Alexanderroman* (Halle: Niemeyer, 1920), published as a festschrift to Carl Appel.

have as yet no edition of a J^3 Latin text. A number of MSS of the J^3 recension have, however, been classified and the points in which J^3 departs significantly from J^1 determined; the most striking of these are 8 Interpolations and a number of concluding sentences, moralizing in tone.[1]

While the Czech metrical translation (*ca.* 1265) of the *Alexandreis* (1178) of Gautier de Châtillon,[2] based upon the *Historiae Alexandri Magni* of Quintus Curtius Rufus,[3] has been the subject of much careful study,[4] the later Czech prose translation of the *Historia de Preliis* appears to have been neglected by recent students of this branch of the Alexander legend.[5] This Czech prose rendering of the *Historia de Preliis*, known as the *Kronika o Alexandru Velikém*, exists in four MSS and in an early sixteenth-century print:

A. Prague Univ. MS. *XVII.H.4;* 12mo, vellum, and dated 1433;[6] chapters 59–72 have been printed under the title *Život Alexandra Velikého, Krále Macedonského.*[7]

[1] All analysed by Fr. Pfister, *Münchener Museum f. Philol. d. Mittelalters u. d. Renaissance* I (1912), 249–301. To the fifteen J^3 MSS listed by Pfister, *art. cit.*, pp. 252, 253, 301 (Korrecturnachtrag), add a Glasgow MS. identified by G. L. Hamilton, Speculum II (1927), 114, n. 9; Harvard Univ. MS. *Latin 34* (described by F. P. Magoun, Jr, [Harvard] *Library Notes*, No. 20, April, 1928, pp. 172–175), and probably Prague Univ. *MS. XI. D. 2*, p. 217 below.

[2] On this see H. Christensen, *Das Alexanderlied Walters von Châtillon* (Halle, 1905) and M. Bacherler, 'Gaulterus' *Alexandreis* in ihrem Verhältnis zum Curtius Text,' *Berlin. Philol. Wochenschr.* XXXVII (1917), 663–672, 698–704, 730–736, 761–766; studied as a monument of twelfth-century literature by C. Giordano, *Alexandreis: Poema di Gautier da Châtillon* (Naples: Federico and Ardia, 1917).

[3] Ed. S. Dosson, 9th impression rev. R. Pichon (Paris: Hachette, 1912), and translated into modern Czech by Fr. St. Kott, *Q. Curtius Rufus: o Činech Alexandra Velikého, Krále Macedonského*, as No. 1 of Bibliotéka Klassiků Řeckých a Římských (Prague: A. Wiesner, 1899) and rev. in *Listy Filologické* XXX (1903), 369, 370.

[4] Most recently ed. by R. Trautmann, *Die Alttschechische Alexandreis* (Heidelberg: Winter, 1916) with additional notes in *Archiv f. Slavische Philol.* XXXVI (1916), 431–435; rev. in *Listy Filolog.* XLIV (1917), 122–128 and in *Archiv. f. Slavische Philol.* XXXVII(1918–1920), 234–238.

[5] Identified with the *Historia de Preliis* by I. Snegirev, Отрывки Чешской Поэмы об Александрѣ Македонском (Kazan diss., 1877), p. 10; Snegirev's dissertation is mainly devoted to the Czech poem mentioned above.

[6] Described by J. Truhlář, *Katalog Českých Rukopisů C. K. Veřejné a Universitní Knihovny Pražské* (Prague, 1906), pp. 124, 125 (item 333); earlier notice by J. Dobrovský, *Geschichte der Böhmischen Sprache und Aeltern Literatur* (rev. ed., Prague, 1818), pp. 167, 168. On the questionableness of this date, see pp. 214 ff. below.

[7] *Výbor z Literatury České*, Díl 2., ed. K. J. Erben (Prague, 1868), pp. 530–543; this excerpt corresponds to Prusík's text (*cit. infra*), *Krok* IX (1895), 121–242.

B. Prague Univ. MS. *XVII.B.6*, fol. 234r–289r; certainly not copied into this MS. before 1470; paper.[1]

C. Náchod Town Archives, unnumbered MS., fol. 203r–318r (fol. 301, 302 missing); dated 1487.[2]

D. Národní Museum Library (formerly Museum Království Českého), Prague, MS. *II.C.10*, fol. 28r–84r; *ca.* 1445.[3] This MS., formerly in the library of the famous bibliophile, Count Neuberg, was not accessible to Prusík.

E. Kniha o Wssech Skutzjech Welikeho Alexandra Macedonskeho, printed by Matauš Bakalář, Pilsen, 1513; 8vo;[4] this very rare volume, of which there is a copy in the Prague University Library, is said to be based upon MS. *D*.[5]

At the time when Prusík was preparing his edition, the highly important distinctions between the various recensions of the *Historia de Preliis* were scarcely known and had by no means been fully worked out.[6] Prusík, accordingly, used for purposes of comparison the only Latin text available, Zingerle's J^1 text noted above. Now

[1] Described by Truhlář, *op. cit.*, pp. 20, 21 (item 50); see Prusík, *Krok* VIII, 83, on date.

[2] Discovered and ed. with modernized spellings and with variants from MSS *A* and *B* by Fr. X. Prusík, 'Kronika o Alexandru Velikém z Rukopisu Náchodského,' *Krok: Časopis Věnovaný Veškerým Potřebám Středního Školstva* VIII (1894), 81–90, 121–130, 161–165, 201–208, 241–252, 281–285, 321–326, 374–377; IX (1895), 1–4, 41–49, 81–85, 121–124, 165–169, 201–205, 241–247, 281–286, 321–324, 361–367; X (1896), 1–3, 37–41, 77–81, 117–123, 157–163, 197–200, 237–242, 277–284, 357–359; XI (1897), 1–3, 41–44, 81–84. The text in Vol. VIII = Zingerle, *op. cit.*, pp. 129–173, 6; Vol. IX = Z., pp. 175, 6–221, 16; Vol. X to p. 284 = Z., pp. 221, 17–265, 16. The rest of Vol. X and Vol. XI = J^3 'Concluding Sentences' (see below).

[3] MS. first adequately described and linguistic features analysed by Fr. Šimek, *Cestopis T. Zv. Mandevilla* (in Sbírka Pramenův, I, i, 9, Prague, 1911), pp. viii–xii; see also F. M. Bartoš, *Catalogus Codicum Manu Scriptorum Musaei Nationalis Pragensis* I (Prague: 'Melantrich,' 1926), 74 (item 367).

[4] Described and archaic language noted by J. A. Hanslik, *Geschichte u. Beschreibung der Prager Universitätsbibliothek* (Prague, 1851), p. 537; listed also by J. G. Th. Graesse, *Trésor de Livres Rares* (Dresden, 1859), I, 71, col. 1.

[5] By Erben in *Výbor, loc. cit. supra*, p. 530 (introductory notice, where the MS. in question is referred to as the 'Neuberg MS.' — so called by earlier literary historians, Jungmann and others); the relation of the text of the print to the text of the MSS should be determined and the text of the print made available in a reprint, perhaps in the magnificent Monumenta Bohemiae Typographica.

[6] A. Ausfeld's famous study, 'Die Orosius-Recension der *Historia de Preliis* und Babioth's Alexanderchonik,' *Festschr. d. Badisch. Gymnasien* (Karlsruhe, 1886) had, it is true, appeared, but it was probably comparatively little known and its extreme significance scarcely realized. Pfister's study of the peculiarities of the J^3 recension (*Münchener Museum*, *cit. supra*) did not appear until 1912.

if one compares Prusík's Czech text with Zingerle's J^1 Latin, one finds that the text corresponds in the main very closely; yet there are a number of passages in the Czech for which there is nothing answering in Zingerle's Latin.[1] Upon further examination these passages show themselves to consist in just those additions noted above as distinguishing recension J^3 from recension J^1; they occur as follows:[2]

Interpolation 1: *MM.*, pp. 255, 256 = *Kr.*, VIII, 201
(*kdež jsa Alexandr . . . poče býti nuzno*).

Interpolation 2: *MM.*, pp. 256, 257 = *Kr.*, VIII, 202, 203
(*ale zvolil jest . . . odtrhnúti od Tiru*).

Interpolation 3: *MM.*, pp. 257–258 = *Kr.*, VIII, 204
(*Uslyšav to Alexandr . . . nemohú proti Rekóm*).[3]

Interpolation 4: *MM.*, pp. 259–261 = *Kr.*, IX, 203, 204
(*i vstavi na sě . . . oblečen rúchem cíesařským*).

Interpolation 5: *MM.*, pp. 263–265 = *Kr.*, X, 118–121
(*jenž bíeše tak veliké výsosti . . . dní devadesáte, přijide*).

Interpolation 6: *MM.*, pp. 266, 267 = *Kr.*, X, 123–158
(*Ty skrotitel světa . . . bíeše k Macedoní*).

Interpolation 7: *MM.*, pp. 267, 268 = *Kr.*, X, 200
(*Potom Alexander jede*, etc.)

Interpolation 8: *MM.*, pp. 269, 270 = *Kr.*, X, 240–242
(*Mezi tíem káza Alexander . . . opoledník mně slúží*).

Concluding Sentences (Schluszsätze)

1. *MM.*, pp. 273–275 = *Kr.*, X, 357 –XI, 2 (*O smrti zajisté rozmnožitele . . . ty cíl sám vidíš*).

[1] See note to Interpolation 3 below.

[2] In the following *MM.* = *Münchener Museum, loc. cit.; Kr.* = *Krok, loc. cit.*

[3] For part of the episode of the Siege of Tyre, Prusík naturally tried to make some use of the version in former Seitenstetten *MS. XXXI* (*S* in Zingerle's apparatus from which Prusík quotes) as given in Zingerle's apparatus, pp. 150, 151; in MS. *Seittenstett. XXXI*, now Harvard University *MS. Lat. 121*, the episode in question, found on fol. 110 B, is given quite differently, and does not agree with the Czech (Pfister, *MM.*, p. 257, n. 1; note that *S* in Pfister, *MM.*, p. 253 ff. = Strassburg print of 1489).

2. *MM.*, p. 276 = *Kr.*, XI, 41 (*A když Alexander, syn Philipuov . . . v latinskú přeložen*).

3. *Kr.*, XI, 41–44, 81–84 contains a long moralizing passage, evidently equivalent to or identical with that referred to in *MM.*, p. 276 ('folgt das lange Schreiben').

Besides these one notes also the inclusion of Darius' long moralizing speech: *MM.*, pp. 279, 280 = *Kr.*, IX, 201, 202 (*Synu Alexandře, jakožto lépe . . . v hlubokosť ponížiti*).

That the *Kronika o Alexandru Velikém* is a close translation of a Latin text of the J^3 recension of the *Historia de Preliis* there can be no question.

The date of the Czech translation and the relation of the Czech MSS (and the 1513 Pilsen print) to one another now claim attention and study. Unfortunately it is not possible with the materials at hand and with their present philological equipment for the present writers to solve either of these problems. First and foremost MS. *D* and the text of the print are inaccessible, while the edited text (MS. *C* with copious variants from *A* and *B*) is presented by Prusík in a garb of modernized orthography. It is possible, however, to suggest a line of approach which might profitably be developed by some Czech scholar who enjoys immediate access to the documents in question.

A preliminary survey of the Náchod MS. (*C*) and a comparison of its readings with those of the two Prague University Library MSS (*A* and *B*) against available Latin texts make pretty clear, first, that *A* and *C* are closer to one another than is either to *B*; secondly, that *B* is the best MS., at least to the extent that *B*, when it departs from *A* and *C*, is usually closer than these to the Latin. Former Neuberg MS. (*D*) has, as already noted, not been collated, so that no opinion can be expressed here as to the character of its text.

Working in a sense at second hand and considering the exigencies of space, it seems scarcely profitable to enumerate, to say nothing of discussing in detail, the many passages which might be called to account. Nevertheless there are three sections, interesting in them-

selves, the presentation of which may illustrate in a measure the opinion expressed above and at the same time exhibit to the reader, even though unfamiliar with Czech, the character of the texts.

Interpolation 1 — Preparations for the Siege of Tyre (*MM.*, pp. 255, 256 = *Kr.*, VIII, 201)

Chapters 26 and 27 of all recensions of the *Historia de Preliis* are devoted to an account of the siege and the conquest of the city of Tyre. In recension J^3 the following paragraph, descriptive of the preparations for the siege, is interpolated in chapter 26 (at a point = Zingerle, *ed. cit.*, p. 149, l. 15):

ubi Alexander cum exercitu *longo tempore* commoratus multa incommoda est perpessus. In tantum enim erat fortis ciuitas tam maris circumdatione tam edificiorum constructione tam etiam *ipsius loci fortitudine naturali*, quia nullatenus ciuitatem poterat per impetum obtinere. Construxit autem Alexander edificium ingens in mare, quod ciuitatem tam fortiter opprimebat, quia nulla nauigia neque classes poterant portum ciuitatis *attingere*. Alexander autem attendebat, qualiter *posset* inuadere urbem. Cepit itaque exercitus indigere.

MS. A

.. kdež jsa Alexandr s svým vojskem mnoho nehod trpěl jest, neb tak velmi bieše tvrdé město, neb jest bylo mořem obklíčeno a velmi mocné uděláno a bieše nedobyté. Ale Alexandr ustavil jest dielo mocné, veliké u moři, jenž městu taký nátisk činieše, že i žádné lodíe nemohly jsú k městskému břehu *přistati*. Ale mysléše Alexandr, kterak *by mohl* město ztéci; tehdy jeho vojsko poče býti nuzno.

. . where Alexander, staying with his army, suffered many adversities, for it was such a strong city, for it was surrounded by the sea and very powerfully fortified and was impregnable. But Alexander built up a work, strong and great, from the side of the sea, which wrought such oppression upon the city that no boats *could dock* at the port of the city. But Alexander thought how he *might* take the city by assault; and then his army began to be in want.

MS. B

.. kdež jsa Alexandr s svým vojskem mnoho nehod trpěl jest, neb tak velmi bieše tvrdé město, neb jest bylo mořem obklíčeno a velmi mocně

. . where Alexander, staying with his army, suffered many adversities, for it was such a strong city, for it was surrounded by the sea and very

uděláno a *od položenie jeho* bieše nedobyté. Ale Alexandr ustavil jest dielo mocné, veliké u moři, jenž městu taký nátisk činieše, že i žádné lodíe nemohly jsú k městskému břehu *přistúpiti*. Ale mysléše Alexandr, kterak *by mohl* město ztéci; a v ta doby jeho vojsko poče býti nuzno.

strongly fortified and *because of its position* was impregnable. But Alexander built up a work, strong and great, from the side of the sea, which wrought such oppression upon the city that no boats *could reach the* port of the city. But Alexander thought how he *might* take the city by assault; and at that time his army began to be in want.

MS. C

. . kdež jsa Alexandr s svým vojskem mnoho nehod trpěl jest, neb tak velmi bieše tvrdé město, neb jest bylo mořem obklíčeno a velmi mocně uděláno a *od přirozenie jeho* bieše nedobyté. Ale Alexandr ustavil jest dielo mocné, veliké u moři, jenž městu taký nátisk činieše, že nižádné lodíe nemohly jsú k městskému břehu *postaviti*. Ale mysléše Alexandr, kterak *mohl* město ztéci, a jeho vojsko poče býti nuzno

. . where Alexander, staying with his army, suffered many adversities, for it was such a strong city, for it was surrounded by the sea and very strongly fortified and *because of its nature* was impregnable. But Alexander built up a work, strong and great, from the side of the sea, which wrought such oppression upon the city that no boats at all *could stand* (*anchor*) at the port of the city. But Alexander thought how he *could* take the city by assault; and his army began to be want.

The present passage — *A* and *B* are reconstructed from Prusík's apparatus — serves to illustrate the general similarity of the three texts, which here exhibit differences only in three minor points:

1. *ipsius loci fortutudine naturali; A* omits this phrase altogether (between *uděláno a* and *bieše*); *B* renders the Latin by '*od položenie jeho*' 'by its position,' emphasizing *loci; C* translates '*od přirozenie jeho*' 'by its nature,' emphasizing *naturali*.

2. *attingere: A* translates with '*pristati*' 'to dock (of a ship)'; *B* (the closest) with '*přistúpiti*' 'to approach' 'to reach'; *C* with '*postaviti*' 'to take up a position at.'

3. *posset: A* and *B* translate with '*by mohl* (cond.)' 'might,' *C* with '*mohl* (pret.ind.)' 'could.'

A, B, C omit (with Lat. *S*) *longo tempore*.

Interpolation 7 — The Investment of the Unclean Peoples (*MM.*, pp. 267, 268 = *Kr.*, X, 200)

Between the episodes of Candace and Candaulus and Alexander's coming to the Red Sea, with the famous story of his flight through the air and his descent into the deep, are four chapters given over to an account of various marvels seen by him on his journey thither (chapters 111–114). At the end of chapter 113 in recension J^3 occurs an account of Alexander's investment of the Unclean Peoples of Gog and Magog, with a list of their names.[1] These lists vary greatly with the different Latin and vernacular MSS. In the list given here from the *Kronika o Alexandru Velikém* the corresponding Latin names (in italic) are placed in round brackets after the Czech; the Latin forms are taken from Pfister together with his indication of their source. Variants from Czech MS. *B* are placed in square brackets.

A těch králuov tato sú jmena: Gog (*Gog*), Magog (*Magog*), Agetona (*Agetan*, Lat. *S*) [Getrame (?), *B*], Magabena (*Magehon*, Lat. *S*),[2] Leatara [Aleatara, *B* (*Oleatar*, Lat. *B,D*)], Apodiegega [Apodyneya, B (*Apodinei*, Lat. *B*)], Lymye [Lumie, *B*] (cf. *Luvii*, Lat. *B; Limis*, Lat. *D*), Ymne [Yume? Imie, *B* (cf. *Junii*, Lat. *B,D,S*), Bayczena [Ranzera, *B* (cf. *Ranzei*, Lat. *B*; *Raniceri*, Quil.)], Dediasse (*Dedeus*, Lat. *D*), Zemarta [Girama, *B* [3]] (*Cemarte*, Lat. *M*), Tabeliasse [om. *B*] (*Tabellei*, Lat. *D*), Asse [Yasse, *B*] (= ?), Zamartyasse (*Camartiani*, Lat. *B*), Tarbay[4] (cf. *Tathomi* of Quil.) [Charbey, *B* (cf. *Chacomi*, Lat. *B*)], Alonis (*Alonis*, Lat. *B, M*), Philonophi [Philimoni, *B* (*Philonis*, Lat. *B,S,M*)], Artmeysczij [5] (*Artinei*), Sartmeysczij [5] (cf. *Sartinei*) a Saltacysszij [6] (*Saltari*) a Lynyada [7] a Basama.[7]

It is clear at a glance that the names in the *Kronika* do not agree with those of any single Latin MS. or of the Strassburg incuna-

[1] See Pfister, *MM.*, p. 268, for a brief discussion of this material, based upon the Pseudo-Methodius.

[2] Both Lat. *S* and Czech appear to go back to a common source, *b* and *h* being confused or both being distortions of some other letter.

[3] *Girama* of *B* should perhaps be regarded as related in some way to *Grimardi* of Quilichinus rather than as a distorted alternate of *Zemarta* of *A* and *C*.

[4] *B* reads: Dyamafragisse, jenž slovú Kynocefalli = *Dyanafragi qui dicuntur Kynochofoly*, Lat. *M* (below).

[5] *m* evidently a miswriting of *in*.

[6] Prusík, p. 200, n. 27: 'letter before *y* illegible'; should we read *r* for *c*?

[7] Not represented in Pfister's lists, *MM.*, *loc. cit.*

bulum, whose readings are published by Pfister. The readings of Lat. *B* (Berlin *cod. lat. 49*) explain the Czech more often than any other, yet the prototype of the Czech and of Lat. *B* are far from identical. It will be further noted that in most cases where Czech *B* departs from Czech *A* and *C:* 1) *B* is closer to a recorded Latin form than is *A* or *C*, as, for example, in the names corresponding to Latin *Oleatar* (Lat. *B*), *Philonis* (Lat. *B,S,M*); 2) *B* alone gives a reading (though out of order and in the place of *Carmartiani* of Lat.*B*) corresponding to *Dyanafragi qui dicuntur Kynochofoly.*

On the other hand, *B* omits anything corresponding to *Tabellei* (Lat. *D*) and, together with Czech *A* and *C*, includes three names not in Pfister's lists: *Yasse* (*Asse* of *A*, *C*), *Lynyada*, and *Basama.* In the case of the uncertain *Getrame B* probably gives us a very distorted reading for something corresponding to *Agetona* of *A* and *C*; *Charbey*, corresponding to *Chacomi* of Lat. *B*, Czech *B* substitutes for *Tarbay* of *A* and *C*, which apparently corresponds to *Tathomi* of Quilichinus.

Interpolation 8 — The Throne and the Crown in Babylon (*MM.*, pp. 269, 270 [verse] = *Kr.*, X, 241)

In chapter 123 Alexander has reached Babylon on his homeward journey and, writing to his mother Olympias and to his master Aristotle, receives a reply from the latter. At this point (Zingerle, *op. cit.*, p. 257, l. 16) the composer of recension J^3 inserts a somewhat lengthy section beginning '*Inter hec siquidem Alexander fecit in Babylone thronum aureum fabricari*'; on this golden throne were figures with the names of peoples subject to Alexander inscribed upon them. As above, the Czech names are given with the corresponding Latin in round brackets, variants from Czech *B* in square.

Partšší (*Particus*), Medšší (*Medus*), [a Indičští (*Indus*) mně slúžie, *B*], Arabšší (*Arabs*) [Asyrští (*Assirus*), *B*],[1] Ciličšší (*Cilicus*) a všecka země Mezopotanská (*Mesopotamia*), vlasti vlaské, židovské,[2] lid ostrý Cananejský (*Chananeorum*), Múřenínský lid,[3] Macedoníe (*Macedonia*), Řecká

[1] Accord. to Prusík, p. 241, n. 9, *B* substitutes *Asyrští* for *Arabští* of *A* and *C;* the Lat. requires *both.*

[2] MSS *A*, *B*, *C* omit *Persa, Italus, Hebreus.*

[3] 'Moorish people' (?) for *Ethiopum gentes* of Latin?

(*Grecia*) i Cypreská (*Cyprus*) země, Egypt (*Egyptus*), Acholcas [a Cholcas (*Colcus*), *B*], Caldejšší (*Caldeus*), [a Capadocí (*Capadocus*), *B*], Ženské království (*Femineum regnum*), Lybské (*Libicus*) [om. *B*], Lybernické [Libeničský, *B*] (*Liburnus*), Sancké (= ?) [Smirnské, *B* (*Smirnus*)],[1] Affrycké (*Africus*) [Pamfilské (*Pamphilia*), *B*],[2] Sardynské (= *Sardus* ?),[3] Lanečské [Landeské (*Laudus, Laude*), *B* [4]],[5] Ephezeské [Ehezské, *B*] (*Ephesius*), Knutské (Limičské, *B*] (= ?),[6] Boecké [om. *B*] (*Bochus*), Philadelphské (*Philadelphus*), Carnské [Laurynské, *B* (cf. *Laurius* of Pfister's MS. *M*)], Myrmydonské (not in Pfister's Latin) a přebohaté Mohské [Morothské, *B* (*Moroch*)],[7] Englické [Angličské, *B*] (*Anglicus*), Skotské (*Scotus*), Brytanské [Vrytanske, *B*] (*Britonum*), pyšná rota [om. *B*] (*superba caterva*), Irlandské (*Irlandus*), Flandrské (*Flandrus*), Carncaloské [8] [Carneolské, *B*] (*Cornealis*) i Norvenské (= a *Norvegicus* not in Pfister's Lat.) [Norovské, *B*] (cf. *Norgucicus* of Pfister's MS. *M*); Německý [Němečské, *B*] (transl. *Teutonicus*), Franský (*Francus*), [Wcandole (*Guandalia*) a Vlašina všecka (*Gallia tota*), Ispanské (*Hispanus*), *B*] dobrovolně sú naklonili svá hrdla, Římšší (*Romanus*) ukrutní a umělí, Maruský (= ?) [9] mně se podkládají, Tuskanský (*Tusci*) a Nápulský (*Apulus*) a Babryská [Alabrisska, *B* (*Calaber*)] a Sykulská země [om. *B*] (*Siculus*); mně dani dávají Syrščí [Sitysky, *B* (*Siticus* in Lat. MS. *B*)],[10] Irtanščí [Vrtansky, *B*] (*Ircanus*), Armenščí (*Armenia*), Lytvanščí,[11] Barbarský řád (*Barbarus ordo*), Barbarši [Bulgarský, *B* (*Bulgarus*)], Albanščí (*Albanus*), [Benadský, *B* (*Venetus*)], Dalmacký (*Dalmaticus*) i Štyrský [om. *B*] (*Yster*), Uherský (*Ungarus*), Astřenský [Fryzenský, *B* (*Frisius*)], Batrický [12] [om. *B*] (cf. Pfister's var. *Botrius, Bottrus*), mně slúží i Bobrsický [13] [om. *B*] i Babilonský [14] [om. *B*]. Všeko mně jest poddáno a mě jediný Jupiter (*Jupiter*) poddal jest.

The situation here is much as in Interpolation 7 just preceding. Once again *B* supplies deficiencies in *A* and *C* for the 10 names corresponding to *Indus, Assirus, Capadocus, Pamphilia, Laurus* (of

[1] Lat. *Ysaurus* between *Liburnus* and *Africus* om. Czech MSS. *A, B, C.*

[2] Accord. to Prusík, p. 241, n. 16, *B* substitutes *Pamfilské* for *Affrycké;* the Latin requires *both.*

[3] For *Sardinia?*

[4] Did the *B* scribe misread *-and-* for-*aud-?*

[5] *Ysaurus* om. *A, B, C;* order of names here varies slightly in Czech *A,B, C.*

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[7] *Morothské* of *B* stands for *Morochské; c* no doubt misread *t* by Prusík, who did not have corresponding Latin for comparison.

[8] *-nea-* probably miswritten for *-nea-.*

[9] *Římské ukrutné, Armelí, Maruské* (*B;* for *Mauritani?* cf. Span. *morisco*).

[10] *Scythicus* in Pfister's other Lat. MSS.

[11] Nothing to correspond in Lat.

[12] Lat. *Batavus, Seruia,* which follows in the Latin, om. Czech MSS. *A, B, C.*

[13] Not represented in Lat.; = ?

[14] Not represented in Lat.

bulum, whose readings are published by Pfister. The readings of Lat. *B* (Berlin *cod. lat. 49*) explain the Czech more often than any other, yet the prototype of the Czech and of Lat. *B* are far from identical. It will be further noted that in most cases where Czech *B* departs from Czech *A* and *C:* 1) *B* is closer to a recorded Latin form than is *A* or *C*, as, for example, in the names corresponding to Latin *Oleatar* (Lat. *B*), *Philonis* (Lat. *B,S,M*); 2) *B* alone gives a reading (though out of order and in the place of *Carmartiani* of Lat.*B*) corresponding to *Dyanafragi qui dicuntur Kynochofoly.*

On the other hand, *B* omits anything corresponding to *Tabellei* (Lat. *D*) and, together with Czech *A* and *C*, includes three names not in Pfister's lists: *Yasse* (*Asse* of *A*, *C*), *Lynyada*, and *Basama.* In the case of the uncertain *Getrame B* probably gives us a very distorted reading for something corresponding to *Agetona* of *A* and *C; Charbey*, corresponding to *Chacomi* of Lat. *B*, Czech *B* substitutes for *Tarbay* of *A* and *C*, which apparently corresponds to *Tathomi* of Quilichinus.

Interpolation 8 — The Throne and the Crown in Babylon (*MM.*, pp. 269, 270 [verse] = *Kr.*, X, 241)

In chapter 123 Alexander has reached Babylon on his homeward journey and, writing to his mother Olympias and to his master Aristotle, receives a reply from the latter. At this point (Zingerle, *op. cit.*, p. 257, l. 16) the composer of recension J^3 inserts a somewhat lengthy section beginning '*Inter hec siquidem Alexander fecit in Babylone thronum aureum fabricari*'; on this golden throne were figures with the names of peoples subject to Alexander inscribed upon them. As above, the Czech names are given with the corresponding Latin in round brackets, variants from Czech *B* in square.

Partšší (*Particus*), Medšší (*Medus*), [a Indičští (*Indus*) mně slúžie, *B*], Arabšší (*Arabs*) [Asyrští (*Assirus*), *B*],[1] Ciličšší (*Cilicus*) a všecka země Mezopotanská (*Mesopotamia*), vlasti vlaské, židovské,[2] lid ostrý Cananejský (*Chananeorum*), Múřenínský lid,[3] Macedoníe (*Macedonia*), Řecká

[1] Accord. to Prusík, p. 241, n. 9, *B* substitutes *Asyrští* for *Arabšší* of *A* and *C;* the Lat. requires *both.*

[2] MSS *A*, *B*, *C* omit *Persa, Italus, Hebreus.*

[3] 'Moorish people' (?) for *Ethiopum gentes* of Latin?

(*Grecia*) i Cypreská (*Cyprus*) země, Egypt (*Egyptus*), Acholcas [a Cholcas (*Colcus*), *B*], Caldejšcí (*Caldeus*), [a Capadocí (*Capadocus*), *B*], Ženské království (*Femineum regnum*), Lybské (*Libicus*) [om. *B*], Lybernické [Libeničský, *B*] (*Liburnus*), Sancké (= ?) [Smirnské, *B* (*Smirnus*)],[1] Affrycké (*Africus*) [Pamfilské (*Pamphilia*), *B*],[2] Sardynské (= *Sardus* ?),[3] Lanečské [Landeské (*Laudus, Laude*), *B* [4]],[5] Ephezeské [Ehezské, *B*] (*Ephesius*), Knutské (Limičské, *B*] (= ?),[6] Boecké [om. *B*] (*Bochus*), Philadelphské (*Philadelphus*), Carnské [Laurynské, *B* (cf. *Laurius* of Pfister's MS. *M*)], Myrmydonské (not in Pfister's Latin) a přebohaté Mohské [Morothské, *B* (*Moroch*)],[7] Englické [Angličské, *B*] (*Anglicus*), Skotské (*Scotus*), Brytanské [Vrytanske, *B*] (*Britonum*), pyšná rota [om. *B*] (*superba caterva*), Irlandské (*Irlandus*), Flandrské (*Flandrus*), Carncaloské [8] [Carneolské, *B*] (*Cornealis*) i Norvenské (= a *Norvegicus* not in Pfister's Lat.) [Norovské, *B*] (cf. *Norgucicus* of Pfister's MS. *M*); Německý [Němečské, *B*] (transl. *Teutonicus*), Franský (*Francus*), [Wcandole (*Guandalia*) a Vlašina všecka (*Gallia tota*), Ispanské (*Hispanus*), *B*] dobrovolně sú naklonili svá hrdla, Římšcí (*Romanus*) ukrutní a umělí, Maruský (= ?) [9] mně se podkládají, Tuskanský (*Tusci*) a Nápulský (*Apulus*) a Babryská [Alabrisska, *B* (*Calaber*)] a Sykulská země [om. *B*] (*Siculus*); mně dani dávají Syrščí [Sitysky, *B* (*Siticus* in Lat. MS. *B*)],[10] Irtanšcí [Vrtansky, *B*] (*Ircanus*), Armenšcí (*Armenia*), Lytvanšcí,[11] Barbarský řád (*Barbarus ordo*), Barbarši [Bulgarský, *B* (*Bulgarus*)], Albanšcí (*Albanus*), [Benadský, *B* (*Venetus*)], Dalmacký (*Dalmaticus*) i Štyrský [om. *B*] (*Yster*), Uherský (*Ungarus*), Astřenský [Fryzenský, *B* (*Frisius*)], Batrický [12] [om. *B*] (cf. Pfister's var. *Botrius, Bottrus*), mně slúží i Bobrsický [13] [om. *B*] i Babilonský [14] [om. *B*]. Všeko mně jest poddáno a mě jediný Jupiter (*Jupiter*) poddal jest.

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[9] *Římskí ukrutné, Armelí, Maruské* (*B;* for *Mauritani?* cf. Span. *morisco*).

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[12] Lat. *Batavus, Seruia,* which follows in the Latin, om. Czech MSS. *A, B, C.*

[13] Not represented in Lat.; = ?

[14] Not represented in Lat.

Lat. *M*), *Guandalia, Gallia tota, Hispanus, Calaber* and *Venetus; B* furthermore offers more intelligent readings for *Colcus, Smirnus,*[1] *Laudus, Moroch, Siticus,*[2] *Bulgarus,* and *Frisius;* finally, *B* does not include *Bobrsický* and *Babilonský* of *A,C*, not represented in Pfister's Latin. On the other hand, *B*'s *Asyrští* (*Assirus*) takes the place of *Arabští* (*Arabs*) of *A,C*, *B*'s *Pamfilské* (*Pamphilia*) the place of *Affrycké* (*Africus*) of *A,C; B* omits names corresponding to *Libicus* (*Lybské* of *A,C*), *Bochus* (*Boecké* of *A,C*), *Siculus* (*Sykulská* of *A,C*); *Yster* (*Štyrský* of *A,C*), and *Batavus*, var. *Botrius* (*Batrický* of *A,C*), and *B* gives poorer readings in *Ehezské* for *Ephesius* (*Ephezeské* of *A,C*) and *Libeničský* for *Liburnus* (*Lyberniké* of *A,C*). On several names, also apparently peculiar to the *Kronika, B*, fails to help: *Múřeninský, Sardynské* (= *Sardus?*), *Limičské* (*Knutské* of *A,C*),[3] *Norovské* (*Norvenské* of *A,C*) and *Lytvanští* (= *Lithuanus* not in Pfister's Latin). Along with *A* and *C*, *B* omits *Persa, Italus, Hebreus* and *Ysaurus* of the Latin.

In surveying the passages here exhibited, it is possible only to suggest a tentative conclusion, which — even if correct — must be confirmed by far more detailed study. *B* apparently belongs to a textual tradition better in many, perhaps most, respects than *A* or *C*. Yet the additions, omissions, and errors in *B* against *A* and *C* preclude the possibility of the immediate original of *B* being likewise the immediate original of *A* and *C*, which themselves seem to be very closely related (*C* perhaps a copy of *A* or of the immediate prototype of *A*?). Further than this one can scarcely go without texts *D* and *E* and without a more intimate examination of *A, B,* and *C*.

As for the date of the translation. The explicit of the *Kronika* proper, common to MSS *A, B,* and *C*, sheds no light upon the question of date:

A tak se skonává Veliký Alexander Macedonský krále Philipa [a královny Olimpiady *add. B*], jenž vešken svět podmanil a podrobil svú převeliků mudrostí. A tak se jest skonal.

[1] What is *Sancké* of *A, C*?
[2] *Syrští* of *A, C* points to a Lat. source with *Syrius* or *Syriscus*.
[3] Corresponding point in Latin has *Tanix*.

(And thus ends Alexander the Great of Macedon, [son] of King Philip [and the queen Olimpias *add. B*], who subdued and conquered the whole world by his exceeding great wisdom. And thus did he end).

In MSS *A*[1] and *C*,[2] however, there follows an additional paragraph of some considerable interest:

Tuto se skonává Veliký Alexander krále Philipa Macedonského, Olimpiady královny, leta od narozenie syna božieho tisícieho čtyřstého třidcátého třetieho po tom sněmu, když sú se páni, panoše, rytíeři i všeckna města i Táboři s Čapkem za jeden člověk smluvili a smířili, tu sobotu před svatým Prokopem, a k císaři jeli.

(Here ends Alexander the Great, [son] of king Philip of Macedon and queen Olimpias, the year from the birth of the Son of God one thousand four hundred thirty and third [1433], after that council when the lords, squires, knights, and all the towns and the Taborites as one man came to an agreement and made peace with Čapek the Saturday before St Procopius' Day and went over to the emperor.)

In the first place, the date 1433 here given is almost certainly an error for 1434. The Saturday before St Procopius' Day[3] 1433 was Saturday, June 27;[4] but in June, 1433, Čapek, head of the army of the 'Orphans,' was never closer to Prague than a hundred miles. During the greater part of 1433 he was with the Polish army, engaged in operations along the Moravian and Silesian frontiers.[5] The following year, however, after the Battle of Lipany, near Böhmish-Brod, May 30, 1434, in which Čapek was defeated and Ondřej Prokop (the Great) was slain, the four Bohemian factions took part in a diet which met in Prague on St John's Day, June 24, and was in session a fortnight,[6] that is, until July 8; in that year July 4 fell on a Sunday and the preceeding Saturday was, consequently, July 3, when the diet was nearing its end. Čapek represented the 'Orphans' at this diet at which a provisional government was established which remained in power until Sigismund, son of Charles IV, was recognized king of Bohemia in 1437, shortly

[1] *Krok* VIII, 82. [2] *Ibid.* XI, 84 (cf. footnote 10).

[3] Procopius, abbot of Prague, died July 4, 1053.

[4] So Prusík, *Krok* XI, 84, fn. 11; on the days and dates see A. Giry, *Manuel de Diplomatique* (Paris, 1894), 243, 244.

[5] W. W. Tomek, *Dějepis Města Prahy* (Prague, 1879), IV, 592 ff.

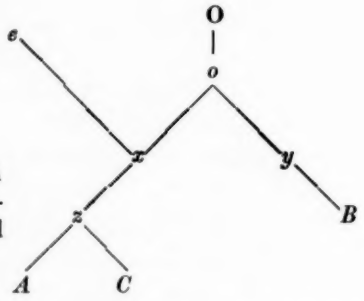
[6] *Ibid.* IV, 651 ff.

before his death. The decision to invite Sigismund to meet a representative at Regensburg along with representatives from the Basel Council is set forth in a letter '*datum Pragae sabbato ante festum Sancti Procopii, anno millesimo quadringentesimo trigesimo-quarto*'[1] — the very *day* of the agreement recorded in the explicit of the *Kronika*. Thus one may state with considerable confidence that the *year* 1433 is an error for 1434.

With reference to the false date 1433, it is not possible to determine whether the error is due to the author or to a scribe; the mistake may be mechanical, perhaps from a misreading of a roman 'iiii' as 'iii' (in this case presumably due to the scribe of the archetype of *A* and *C*); possibly the author composed the note sometime after the event and confused the year of the event he chose thus to memorialize. In either case one can scarcely use the dates 1433 or 1434 either to date the translation of the *Kronika* or even MS. *A*;[2] it may be recalled that MS. *C* with the same explicit (with 1433) is dated on other grounds 1487.[3] At the most, the date 1433 (or 1434) can serve as the *terminus a quo* of a transcription[4] of the prototype of *A* and *C*. The following stemma attempts to express roughly the relations between the MSS as these are available to the present writers:

(*e* = explicit with date 1433)

(*z* = faulty copy with omissions and distortions, esp. of unusual proper names)



[1] Published in J. D. Mansi, *Sacrorum Conciliorum Nova Collectio* (Florence, 1759–1798), XXIX, 645, 646. On the writer of this letter, Asso of Sternberg, alias of Holicz, see Ludwig Schlesinger, *Geschichte Böhmens* (Prague, 1869), p. 404.

[2] If there is other authority than this explicit, it is not made clear by Prusík (*ed. cit.*) or Truhlář (*Katalog, loc. cit.*).

[3] By Prusík, *loc. cit.*

[4] Perhaps by a scribe or writer living near the Silesian border, to whom Čapek may have been a local celebrity.

Finally attention is called to what is almost certainly a hitherto unnoted J^3 Latin text in Prague University Library *MS. XI.D.2* (vellum, *saec. xv*), fol. 174r–233r. The incipit and explicit are as follows:

Hic incipitur liber de natiuitate, uita, et morte omnium gestorum illustrissimi principis Alexandri. Sapientissimi quippe Egipcii . . . Quo semel inbutus. Explicit Allexander bonus et utilis finitus fer. III ante festum corporis Chr. a.d. 1469 per me Johannem . . .[1]

From the small specimen here available, one hesitates to speak with too great assurance, but *quippe* (*zajisté* in Czech below) in the phrase *Sapientissimi quippe Egipcii* is normally a feature distinguishing the J^3 recension from J^1 and J^2 which here have *namque*.[2] There is furthermore a resemblance between the opening phrase of the Latin incipit with the corresponding portion of the *Kronika* in MSS *A*, *B*, and *C*. The Czech runs thus:

Tuto se počínají kniehy o narození a o životě a o smrti i o všech skutcích Velikého Allexandra Macedonského, syna domnievaného krále Philipa Macedonského, přemúdrého, o velikých diviech. Capitola prvá.

Najmúdřejši zajisté Egipští umějíce míeru země a vody morské a znajíce řád nebeský, totiž hvězdný běh . . .[3]

(Here are begun the books concerning the birth, and concerning the life, and the death, and concerning all the deeds of the great Alexander, the Macedonian, very wise, concerning great wonders. Chapter first.

The wisest men indeed of Egypt, knowing the measure of the land and the sea-water and knowing the celestial order, that is to say, the stellar course . . .)

Somewhat unusual is the passive *incipitur* of the Latin (matched in the Czech), while in other points, too, the Czech here seems to be translated from a Latin text very close to Prague *MS. XI.D.2*. The chronology of the MSS makes impossible the conjecture that the Prague Latin MS. may be the immediate source of the *Kronika*, but a close comparison of this Latin MS. with the text of the *Kronika* might reveal that the translator of the *Kronika* worked from a Latin text lying directly behind, or closely related to, *MS. XI.D.2*.

[1] J. Truhlář, *Catalogus Codicum Manu Scriptor. Latinor.* II (Prague, 1906), 142, 143 (item 2036). [2] See Pfister, *MM.*, pp. 282, 283. [3] *Krok* VIII, 84.

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MOZARABIC MELODICS [1]

By R. P. GERMÁN PRADO, O.S.B.

IN past centuries the Abbey of Santo Domingo de Silos possessed a scriptorium of remarkable activity; among the manifold labors of its scribes were the liturgical manuscripts over whose text were written neums, like graceful and complicated arabesques. These represented the melodies composed by Toledan fathers from Eugenius to Julian, the liturgical songs chanted in the churches described with such mastery by Gómez-Moreno.[2]

But these neums have long been an insoluble enigma, notwithstanding various attempts at their interpretation. The enigma continues, and will continue unless the link of the chain for which the investigators are searching appears. This link would be a codex in diastematic notation, with or without lines, a manuscript that has either never existed, or, if it does exist, has not been discovered; such a text would make possible the restoration of the Mozarabic melodic repertory, as the Gregorian melodies have been restored to their primitive purity, thanks to the Benedictines of Solesmes.[3] However, not all the Spanish liturgical melodies were shipwrecked when the Visigothic-Mozarabic rite was suppressed at the end of the eleventh century; on the contrary, at least twenty genuine Mozarabic pieces have survived, from which it is possible to ascertain what the rest of this very rich collection was like.

The present brief essay, preliminary to a more detailed survey already in hand, sets forth in outline my prize-study in the *Certamen Científico* of Toledo at the celebration of the seventh centenary of the *dives Toletana* in October, 1926.

[1] Translated by Walter Muir Whitehill, Jr. At the request of the Managing Editor of SPECULUM, the translator has generously added footnotes to the original, in the hope of aiding readers who may wish to look further into the subject and are not acquainted with the literature about it. If any musical heresy has crept into the notes, the translator and not the author should be blamed. Miss Beatrice Newhall has given much valuable assistance in the translation.

[2] Manuel Gómez-Moreno, *Iglesias Mozárabes. Arte Español de los Siglos IX á XI* (Madrid: Centro de Estudios Históricos, 1919).

[3] For a brief history of the musical work of Solesmes, see Norbert Rousseau, *L'Ecole Grégorienne de Solesmes, 1893–1910* (Tournai: Société de Saint Jean l'Evangéliste, 1910).

PLATE I

Real Abadía de Santo Domingo de Silos
Liber Ordinum, fol. 54 v.

Mozarabic Neums

Among the most beautiful of Spanish manuscripts with musical notation are so-called Antiphonary of King Wamba at Léon,[1] the *Liber Ordinum* of Silos[2] (Plate I), and the mutilated Antiphonary of San Millán.[3] Their notation, fundamentally like that of the Gregorian neumatic manuscripts, nevertheless differs markedly from the latter in the varied forms of the neums.

It is no longer thought that the Mozarabic neums can be letters, and the Solesmes thesis that they are neums like the Ambrosian and Gregorian, though with their special characteristics, prevails. This proposition was set forth in the preface of the monumental *Paléographie Musicale*[4] thirty-nine years ago:

> Au IV^e^ siècle et dans les suivants, la langue musicale liturgique s'est scindée presque parallèlement en quatre dialectes. Nous trouvons en Italie le chant *ambrosien* et le *grégorien*, en Gaule le *gallican*, et en Espagne le chant dit *mozarabe*.
>
> Nous constatons bien l'existence de ces quatre dialectes, mais que sait-on de leur origine, de leurs affinités, de leurs dissemblances? Quels sont les caractères spécifiques qui les distinguent? La forme ambrosienne est-elle la plus ancienne et a-t-elle donné le jour aux formes grégorienne, gallicane, mozarabe? ou bien ces quatre idiomes musicaux ne seraient-ils pas plutôt des subdivisions d'une même langue liturgique chantée à l'origine par le peuple chrétien, mais qui, dans sa diffusion à travers le monde latin, aurait subi des modifications analogues à celles qui ont produit, par transformation du latin, les langues romanes?

The authors of the *Paléographie Musicale* regarded this as the most acceptable hypothesis, and in its support might be brought forward new arguments, better left, however, for our forthcoming study. The affinity between the Ambrosian and the Gregorian melodies is clear, and, although the relationship of the Gregorian and the Ambrosian chant with the Mozarabic is less well known, we have

[1] Léon, Library of the Cathedral Chapter.

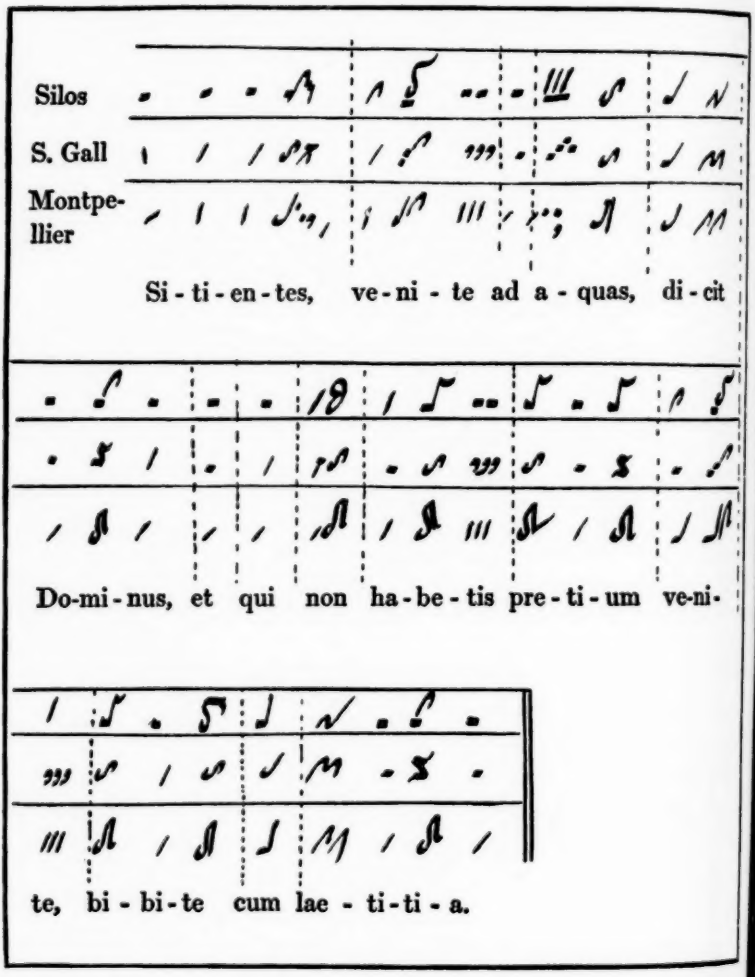
[2] Published by Dom Marius Férotin, *Le Liber Ordinum en usage dans l'Eglise Wisigothique et Mozarabe d'Espagne du Cinquième au Onzième Siècle* (Paris: Librairie de Firmin-Didot, 1904). The manuscript is now preserved in the library at Santo Domingo de Silos.

[3] Madrid, Academia de la Historia, 30.

[4] Les Bénédictins de Solesmes, *Paléographie Musicale* (Solesmes: Imprimerie Saint-Pierre, 1889), I, 33, 34.

been able to cite examples, whose striking resemblance confirms the ultimate common origin of the four musical dialects of the West.

However, since the subject here under discussion is the written



form of Mozarabic notation, it will suffice to demonstrate its fundamental coincidence with the other Latin notations in the above chart where the introit *Sitientes* is reproduced from the Mozarabic

Liber Ordinum of Silos, from a manuscript of St Gall,[1] and from the bilingual Antiphonary of Montpellier,[2] all of the eleventh century.

As is well known to palaeographers, there are two difficult problems in the study of neums of whatever provenance. The first involves the question of the number of notes indicated by certain lines of doubtful significance; this problem, insofar as it affects Mozarabic music, I believe I have solved almost completely. But another and yet more important problem remains, consisting in determining the relations of tonal height within the notes of a neum, and its melodic connection with the preceding and the following neums. This second problem, like the first, is purely palaeographical, and cannot be solved unless a notation more explicit than the neumatic is discovered. That it has been possible to transcribe about twenty pieces of Mozarabic music is, indeed, due to the discovery of just such a notation for these particular Mozarabic compositions. The old saying '*neuma sine lineis puteus sine fune*' will always be true. The future may hold in store some welcome surprise, but meanwhile we must content ourselves with the present advance.

That the modality of the Mozarabic melodies is identical with that of the Roman chant it seems possible to infer from certain passages in the few pieces that we possess. The modes are those of the Graeco-Latin scales, which, spreading through the whole Christian West, were built upon all, or nearly all, the notes of the diatonic scale. In the pieces here transliterated, we find only specimens of the first, second, third, and eighth modes; most abundant of all are those of the second, a tonality of sombre mood, which agrees with the description of Adam of Fulda, '*Secundus* (*tonus*) *est tristibus aptus.*'[3] It is certain that for liturgical prayers for the dead nothing is so suitable as the grave scales of *re* which bid us reflect on the end of human life and the problems beyond the grave. It is to be noted in

[1] Bibliothèque de Saint-Gall, Codex 339. Described and reproduced in facsimile in *Paléographie Musicale*, I.

[2] Montpellier, Bibliothèque de l'Ecole de Médecine, Codex H. 159. Reproduced in facsimile by Dom André Mocquereau, *Paléographie Musicale* (Tournai: Desclèe, Lefebre et Cie, 1901-05), VIII: described in VII, 9–18.

[3] Quoted by him from Guido of Arezzo (†990) in *Musicae Pars Secunda*, cap. xv, in Gerbert, *Scriptores Ecclesiastici de Musica* (1784, reprinted in Graz, 1905), III, 356.

passing that the greater number of the pieces transcribed pertain to the *Agenda mortuorum*, which very probably continued in use in the churches of Spain until the abolition of the Mozarabic use in the last third of the eleventh century. It is without doubt due to this abolition of the Mozarabic use that a later hand has erased the neumatic notation of the twenty deciphered pieces, putting in its place the superposed points of the Aquitanian notation which came into use in the eleventh century and which followed the diastematic principle, giving rise to the lines of the staff.

Mozarabic Rhythm

The problem of the rhythm of the Roman chant, that of late has given rise to so many and so varied disputes, likewise comes up in connection with Mozarabic music; unfortunately the materials for its study are exceedingly scanty. It is, however, impossible to doubt that the Mozarabic neums furnish us a solid basis upon which to establish an hypothesis with some guaranty of truth. The notes in the neumatic notation are not written down at random, but are joined, forming more or less complete groups in the manner of musical words, with their respective accents which lend them unity, cohesion, and rhythmic feeling.

The rhythm of the Mozarabic melodies was almost certainly free and followed the rhythm of prose, giving all the notes a uniform time value. However, when double or triple value was desired, duplication or triplication in the notation was resorted to.[1] Furthermore, certain obscure letters in some Mozarabic manuscripts should be noted, which, although sparsely used, may have had a rhythmic character. Accordingly, in conformity with this criterion, I have invariably translated into equal values, using the crotchet as the basis of indivisible unity.

[1] There is no theoretical objection to this opinion; for contemporary musical treatises of the whole Mozarabic epoch are entirely lacking, neither is there any school of Mozarabic manuscripts which, like those of St Gall and Metz, introduces modifications and additions in the neums, those rhythmic signs so dexterously exploited by the modern Gregorian scholars of the free tendency and its opposite, the measured.

The Sixteenth-Century *Cantorales* of Cisneros

In spite of the fact that the rhythm of the Mozarabic chant seems to have been free and like that of prose, the three sixteenth-century *Cantorales* [1] of the Mozarabic Chapel at Toledo are, in point of fact, from beginning to end in a notation rigorously measured, with breves, semibreves, minims, quarter notes, and rests of different values. At a time when the Roman chant was dominated by the plague of exact measurement that invaded the whole musical field from the thirteenth century on, certain clerics, ill-acquainted with the history of music, not unnaturally attempted to measure the Mozarabic chant and substituted verse rhythm for prose rhythm, though the latter alone is admissible in the recitatives so abundant in all ancient liturgies, especially the Spanish. Despite its comparative lateness I print a specimen of the measured notation of the *Cantorales*, probably inspired in part at least by some Mozarabic *Cantoral* which may have survived in one of the Mozarabic parishes of Toledo. Consequently, in interpreting certain pieces of the sixteenth-century Mozarabic *Cantorales* I have cut away entirely the measured rhythm — comparable to a cart jouncing over a stony road — leaving only the melodic line, which, with its equality of values, forms a smooth curve.[2]

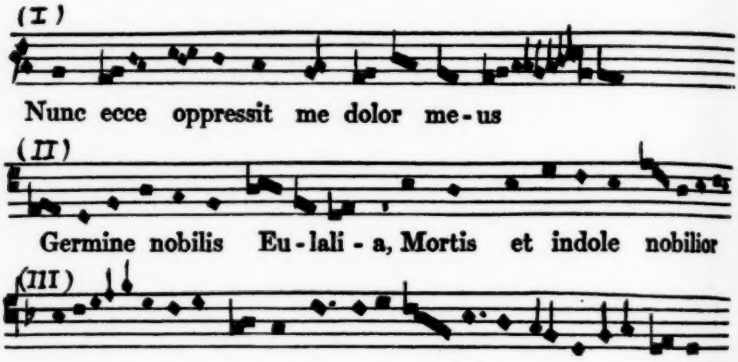
I first give two examples of the measured notation of the *Cantorales* and afterwards a *Tenor* of G. Binchois, who, in the fourteenth century, invented this musical type, which marks the beginning of the music of the lectern and the organ, although its rules of value are much simpler.

The first example (I) shows the beginning of a Lenten Tract with a cadence exhibiting Gregorian influence. The second (II) is the

[1] See pp. 226 ff. below for a further account of the *Cantorales*.

[2] The shelving of those three great *Cantorales* which, for many years, have not rested on the magnificent eagle lectern of the Mozarabic Chapel, should be attributed in part to this very measured rhythm. It was found necessary to omit it at the seventh centenary celebration of Toledo Cathedral in October, 1926, because of the difficulty in keeping the singers together, in spite of the efforts of the director to have it sung in complete accordance with the arrangement of Cisneros (see p. 225 below).

opening of a hymn to St Eulalia, martyred at Mérida, composed by her compatriot, the Christian Virgil, Aurelius Prudentius. The third example (III) is the beginning of the *Tenor* of Binchois, which, like all tenors of measured music, is without text.



Mozarabic Liturgical Manuscripts

The Mozarabic liturgical manuscripts known to-day number at least 38:[1] 13 of these once belonged to the Royal Abbey of Silos (Pls. I, II), though the greater number are now dispersed among various European libraries, especially the British Museum and the Bibliothèque Nationale in Paris; 11 belonged to the library of the Cathedral Chapter of Toledo, although some passed at the end of the nineteenth century to the Biblioteca Nacional in Madrid; 5 Mozarabic codices are from San Millán de la Cogolla and are now in the library of the Academia de la Historia in Madrid. The private library of the King of Spain possesses a beautiful Mozarabic Book of Hours, and the Chapter of Léon houses the famous Antiphonary of King Wamba, which is believed to be of the eleventh century, but which should be pushed back into the tenth century according to the Abbot of Silos, Rmo. D. Luciano Serrano, who has in project an elaborate edition of this text to be issued under the patronage of the

[1] Dom Marius Férotin in his *Liber Mozarabicus Sacramentorum et les Manuscrits Mozarabes* (Paris: Librairie de Firmin-Didot et Cie., 1912), the sixth volume of the *Monumenta Ecclesiae Liturgica*, pp. 677–962, describes and analyzes from a textual point of view the known Mozarabic liturgical manuscripts.

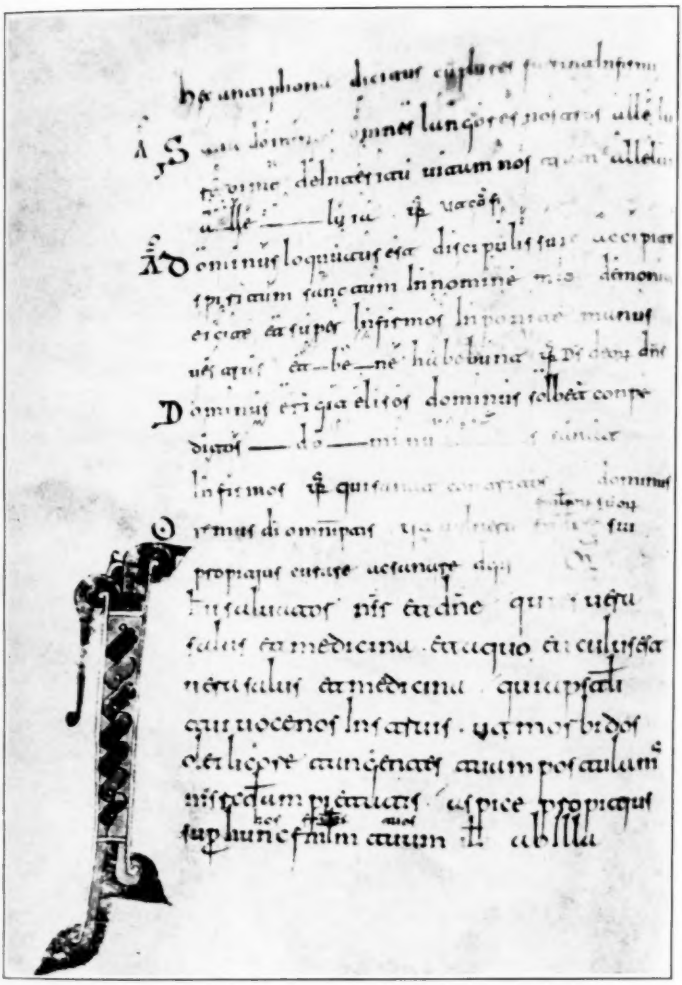


PLATE II

Real Abadía de Santo Domingo de Silos
Mozarabic Missal of the xi century, fol. 38v.

Bishop of Léon, Dr José Alvarez Miranda.[1] The Compostela manuscript [2] likewise deserves special mention, if only for its superb script. Another notable manuscript is the tenth-century Codex of Azagra, now in the Biblioteca Nacional in Madrid; it is a miscellany in which may be seen even secular verses with Mozarabic neumatic notation and certain *Preces*, probably composed at the beginning of the ninth century.[3] A fragment of a Mozarabic Antiphonary and another of a Lectionary or *Comicus* have recently been discovered in Toledo.[4]

No less worthy of study are the three great Mozarabic *Cantorales* commissioned by Cardinal Francisco Jiménez de Cisneros, the great restorer of the old Spanish rite at the beginning of the sixteenth century. These cannot be anterior to his reform, depending as they do in their arrangement on his famous *Missale Mixtum Mozarabicum*, printed at Toledo in 1500.[5] Pierre Aubry, in his *Iter Hispanicum*,[6] gives them an earlier date solely because their notation is already in use in the fourteenth and fifteenth centuries. However, such an opinion is easily refuted by the evident dependency of the *Cantorales* upon the *Missale Mixtum* of Cisneros.

It is common knowledge that the Spanish rite was suppressed in 1089 by Rome and the kings of Spain, in spite of the preference of the clergy and the people for the venerable uses of their ancestors;

[1] This latter musical monument, the most notable of those extant, according to a recently expressed opinion of Professor Peter Wagner of the University of Freiburg, the eminent authority on neums, deserves early publication.

[2] *Liber Fernandi Regis*, a Mozarabic Book of Hours written in 1055 for King Ferdinand the Great of Castile at the command of his queen, Sancha, now preserved in the University Library at Santiago de Compostela.

[3] If a ninth-century date is correct, it would weaken the thesis of Meyer, who has tried to prove that the general type of the *Preces* came from tenth-century prose. In the present study the reader will see that the *Preces* already existed in the Visigothic church of the sixth and seventh centuries.

[4] Since Visigothic Bibles may in some manner figure as liturgical books, many of them have served on the lecterns of churches. This is proved by the liturgical indication of the *pericopes* (which were to be read on the different festivals), and even the neums that not seldom figured at the end of the sentences, suggesting to the reader the musical cadence or the various inflections that were to be made in the course of the reading of the sacred text. I hope in the not too distant future to study the many interesting marks of punctuation found in Mozarabic liturgical books.

[5] Lesley's 1755 edition of the *Missale Mixtum* has been reprinted with his preface, notes, and appendices in Migne, *Patrologia Latina* (Paris, 1862), LXXXV.

[6] Pierre Aubry, *Iter Hispanicum* (Paris: Paul Geuthner, 1908).

confined to certain parishes of Toledo, the native rite led there a languid existence, almost to the point of extinction, until Cisneros became bishop of Toledo. Before him and after, cultured men, enthusiastic over the Mozarabic liturgy had not been wanting. Long before Cisneros, Don Juan de Tordesillas, Bishop of Segovia, had founded the Mozarabic Chapel of Aniago (1436 A.D.), near Valladolid. Later the Mozarabic Chapel of Talavera was founded in Salamanca (1517 A.D.), by Arias Maldonado, a doctor of Salamanca of the first rank of the Spanish nobility. At the same time Don Pedro Gasca, the peace-maker of Peru and later Bishop of Sigüenza, restored the church of the Magdalen in Valladolid and established it in a Mozarabic chapel (1567 A.D.). But all these foundations led a feeble life until they disappeared in the nineteenth century; the foundation of Cisneros alone continued constantly although never very strongly.

To return to the Mozarabic *Cantorales:* what is their artistic and their traditional value?

Since it is impossible to offer complete answers to these questions in the present article, I shall limit myself to the general statement that the aesthetic and traditional value of the three documents is very varied. There are in them real musical finds in the midst of the most regrettable aberrations; in them is preserved a fund of music of incontestible traditional value, a stock more extensive than we can define, but all the richer because even Responds, difficult pieces which do not easily resist the erosion of time or the ignorance of singers, are preserved despite inevitable corruptions. It is not strange that the recitatives of the ancient Mozarabic liturgy should have continued; such simple formulas were within the reach of all and did not easily escape from the memory; thus the persistence of such Responds as *In loco uiridi* and *De manu inferni* shows that the commission on the Mozarabic chant established by Cisneros made use of some notebook containing melodic formulas current in the Mozarabic parishes of Toledo. If this is not the case, it is difficult to understand how in the full tide of the sixteenth century it was possible to invent melodies of such an archaic flavor as the Preces *Miserere et parce* of these *Cantorales.* The same may be said of the

Preces *Indulgentiam postulemus*, the antiphon Ad accedentes *Gustate et uidete*, the powerful tone of the Diptychs and the *Pater noster* which show venerable antiquity, related as they are to similar Ambrosian, Roman, and even Jewish formulas.[1]

To pass now to a summary analysis of a certain number of pieces representative of the several types of melodies in the Mozarabic rite. These types may be reduced to three, according to the greater or lesser ornamentation of the text by neums and melismas, thus agreeing with the practice in Eastern, Ambrosian, and Roman melodics.

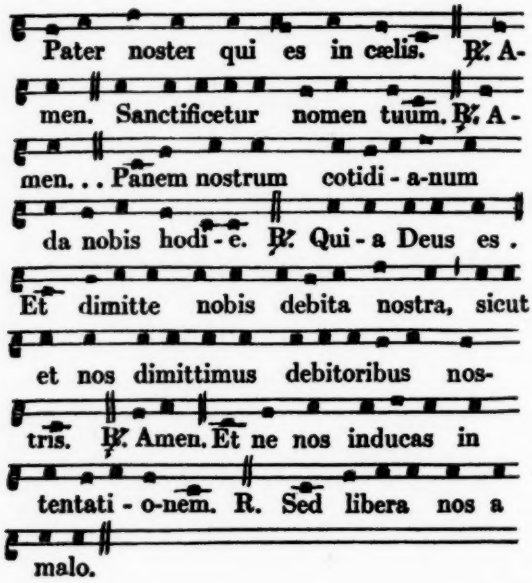
The simplest type is the recitative, of which there is a lavish abundance in the Mozarabic mass. As the dialogue which forms the pattern of the whole ceremony proceeds, even the layman feels a pleasurable surprise as he assists at the rites in the Chapel of Corpus Christi in the Cathedral of Toledo. These recitatives are as simple as they are solemn. One would think that he were witnessing the primitive Christian worship of the Catacombs, or, rather, were hearing the voice of the bishops of the Hispano-Visigothic Church, of an Isidore of Seville or an Ildefonsus of Toledo.

The Pater Noster

Among the simpler recitatives of the Mozarabic books figures the chant of the Pater noster of the mass. This piece is now entirely in dialogue, yet this was not the manner of singing it at the time of the writing of the Léon Antiphonary, mentioned above; for one of its rubrics directs that the '*Pater noster ab omnibus recitatur*.' Thus in the Hispano-Visigothic liturgy of the earliest period the celebrant did not sing the Sunday collect alone, but the whole congregation joined, since it was necessary to respond *Amen* to each petition. In like manner the singing of the Creed by the congregation largely accounts for the simplicity of its melody in the Mozarabic rite. The version which appears in the *Cantorales* is sustained on one note or

[1] Compare also certain Roman melodies of Graduals, Tracts, and even Antiphons, which, though much disfigured, perhaps correspond to the Spanish variants, comparable in this to many pieces of the Ambrosian repertory, in whose zigzag one may easily follow the Gregorian melody, always characterized by its greater polish and sobriety.

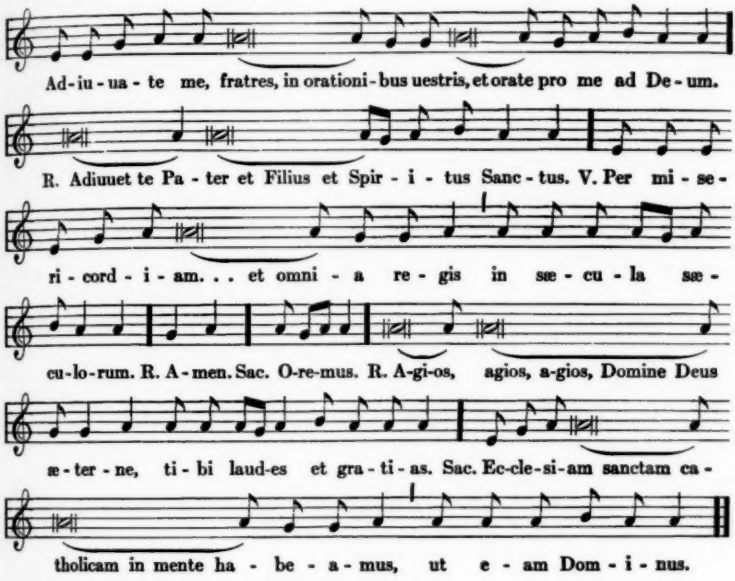
tenor from the beginning to the rather elaborate *Amen*. The cadence of each phrase or article could not be simpler. The whole melodic line may be summed up in this manner: *mi sol . . . la sol*, to fall to the final *mi* that determines the modality. In conclusion I give by way of illustration the melody of the Pater noster, not as sung to-day in the Mozarabic Chapel—this form may well be of ancient origin—but the melody in the *Missale Mixtum* of Cisneros. The reader will at once notice the close relationship of this chant to the *Te Deum* and the *Gloria XV* of the Roman *Kyriale*. All three belong to the musical tradition of the primitive Judeo-Christian communities.



The Mozarabic Diptychs

The Mozarabic Diptychs constitute another type of recitative; the most complete of those extant give us the names of Spanish bishops, not only of Toledo of the period of the Arabic invasion but also of pre-Visigothic times. These Diptychs, of such interest to archaeologists and liturgiologists, are, because of their melody, no less interesting to musical scholars. Since it is impossible to repro-

duce them in their entirety, one or two opening phrases must suffice to illustrate their characteristics. The celebrant alternates with the choir, representing the congregation, in an animated dialogue:

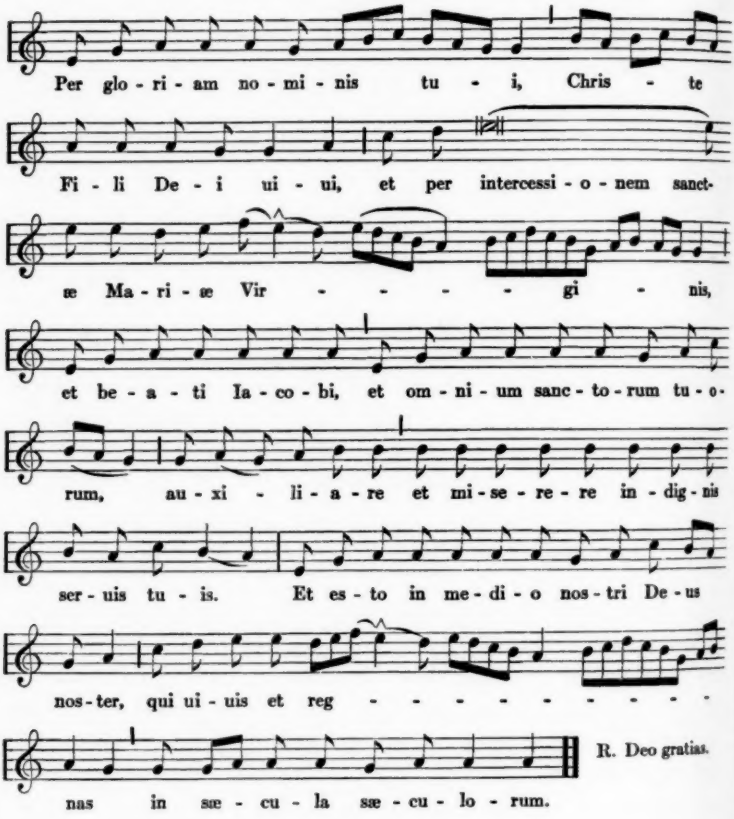


Per gloriam

To this same category may be reduced certain other pieces, which without losing their recitative character have at the same time some melismatic quality. Such a piece serves as the introduction to the mass on the great days of the liturgy. Nothing is more solemn than the *Per gloriam*, carried on by the choir until it concludes with *Deo gratias*. The melody could not be more varied nor more graceful: its roots go back at least to the eleventh century. It is fundamentally the same as the Spanish version of the Lamentations,[1] the melody of which appears in the *Biblia Gótica* of Cardeña,

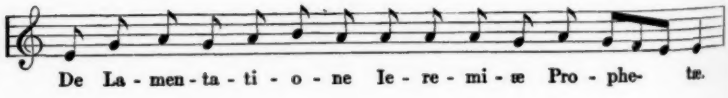
[1] R. P. D. Casiano Rojo, O. S. B., *Cantus Lamentationum apud Hispanos usurpatus, quem ex Codice Silensi saeculo XIII conscripto nunc primum juris publici fecit* (Bilbao: Imp. de Elexpuru Hnos, 1917). The final melody of the Lamentations is the one which is found in the *Biblia Gótica*, joined with the melody of the Hebrew letter *Jod*. Thus the Lamentations of Jeremiah must have been sung in Spain even before the introduction of the Roman rite.

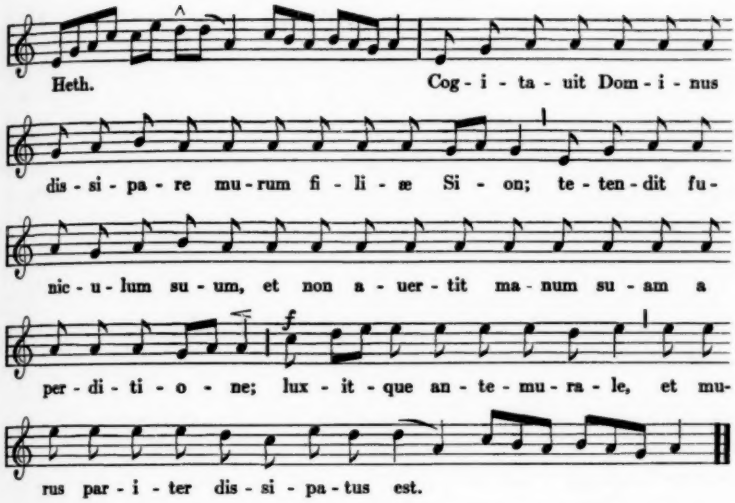
which, according to Dom Alfonso Andrés of Silos, goes back to the tenth century. After sustaining the note of *la*, the melody moves to the fifth higher *mi*, then falling with undulations. The dramatic effect of both pieces is undeniable.



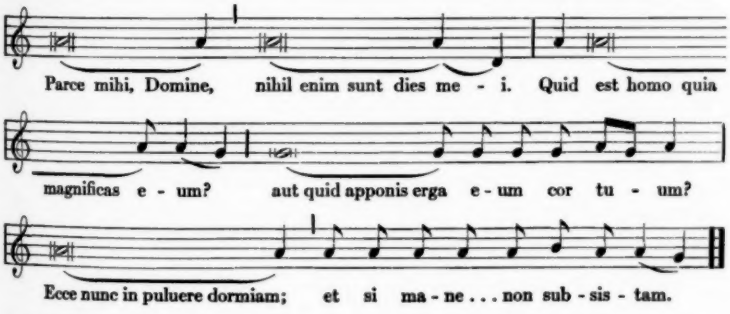
Spanish Version of the Lamentations of Jeremiah

(One of the several tones)





From this evidence one may infer that certain melodies still in use in the churches of Spain have a Mozarabic ancestry. A good example is the tone of the lessons used in Burgos for Matins of the Dead. If one keeps in his ear the recitation of the Mozarabic Diptychs and the prayer that immediately follows the Pater noster, *Liberati a malo,* he cannot but see the relationship. Here follows a phrase of this grave recitative; the cadence of the fifth appears to be Roman; the others, on the contrary, are reminiscent of Mozarabic recitatives.[1]

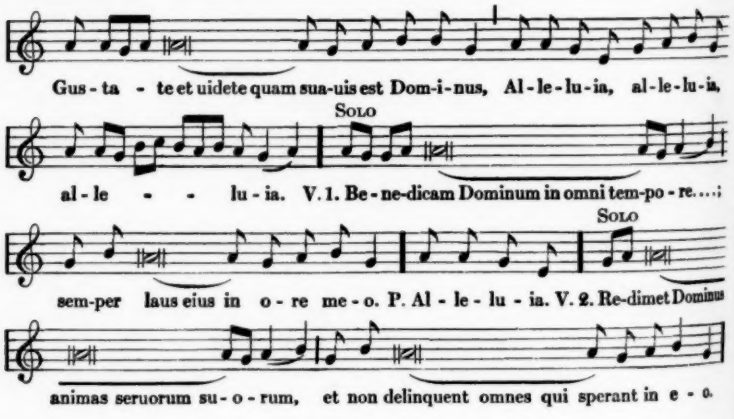


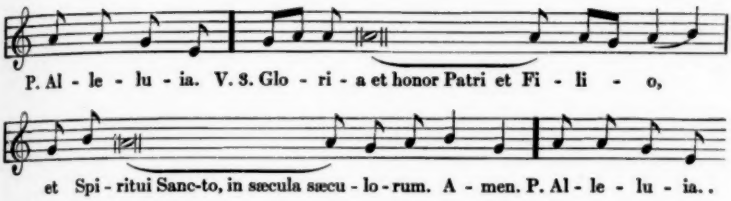
[1] For the complete version see R. P. D. Casiano Rojo, O.S.B., *Metódo de Canto Gregoriano;* this work may be obtained from the Real Abadía de Santo Domingo de Silos (Burgos), Spain.

Ad accedentes

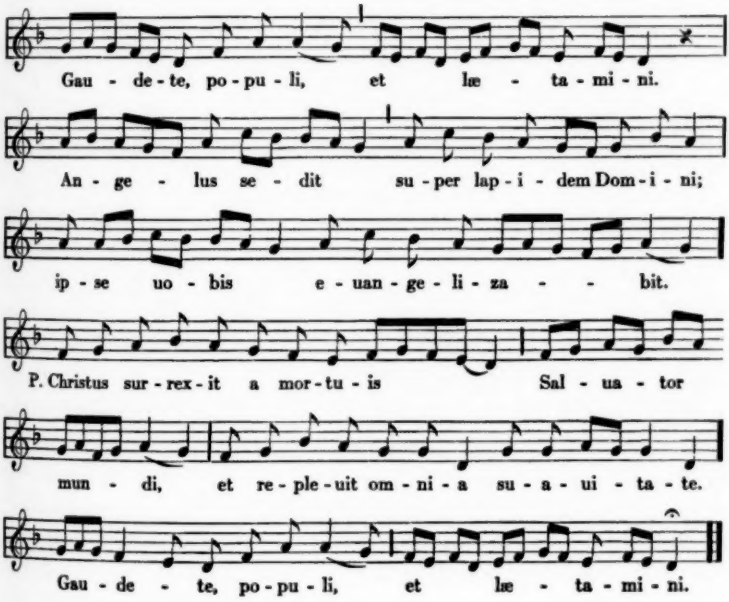
There is a mixed type, halfway between the recitative and melismatic, to which belong the melodies of two antiphons called Ad accedentes, sung while the people are coming forward to receive communion, and equivalent to the Roman Communio. Both present a classical context worthy of the best period of Mozarabic melodics. Surely St Eugenius of Toledo would not have disdained to favor them. Though it is evident that they do not go back to the Visigothic period or even to the Mozarabic, they have touches of antiquity which are undoubtedly reminiscent of the most ancient cantilenas; above all, to judge by their modality and by the fact of their having been sung almost daily — there being only eight Ad accedentes in the whole Mozarabic repertory. It would have been strange if we should have lost every trace of these two pieces, the most common of all in the Mozarabic liturgy, in that melodies of less frequent use have been preserved in the Mozarabic churches of Toledo.

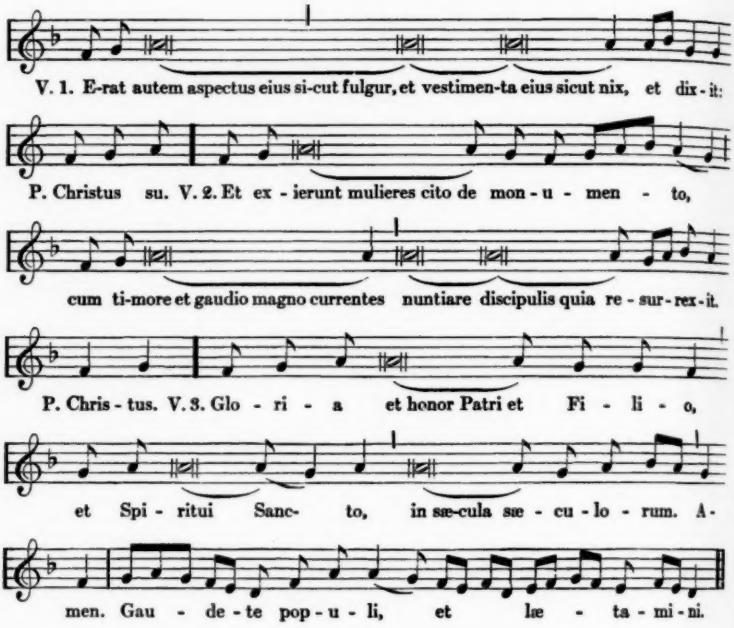
The first of the Ad accedentes is the antiphon *Gustate*, inviting us to taste the 'Bread of heaven, containing in itself all sweetness.' Here again is the tetrachord *la-re*, so cherished by the older Christian communities. The first Christians of Jerusalem must have sung in this way; for this text is the communion antiphon in the liturgy of Jerusalem and all Eastern rites derived from it.





Thus, as the *Gustate* is tranquil and invites meditation, so the second, the Easter *Gaudete populi*, calls to mind the Resurrection. Whatever may be the origin or age of this graceful melody, the indisputable fact remains that it is a distinct musical find. The resolute entrance of the *Gaudete populi*, the emphatic and impetuous triumphal march of the *Christus surrexit*, sung by a male choir, the cold but delicate verses interpreted by boys' voices, all combine to attain to a truly musical and religious effect. It is a moving dialogue, one of the most beautiful in all liturgies and a great musical achievement.





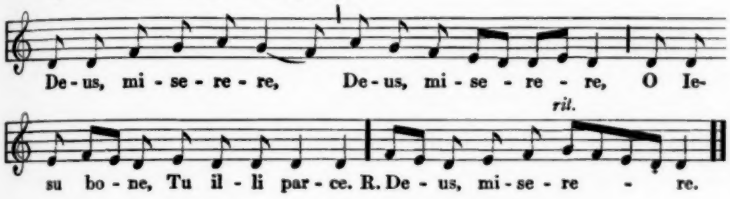
Preces

The Mozarabic Preces, so interesting to the philologist, concern the musician also, although they have lacked melodies for some centuries. Only two Mozarabic manuscripts give the Preces with neums, and the Léon Antiphonary, the most complete of all, is content with merely citing them and referring to other books. How is the fact that they had in ancient times a proper melody to be reconciled with the fact that it is wanting in manuscripts as complete as the Antiphonary of King Wamba?

This class of liturgical composition, like the hymns, had to be sung with very simple modulations so that the people could respond to the deacon with the burden of the melody. They are diaconal Preces, analogous to those that abound in the Eastern liturgies.

There are two manuscripts of the eleventh century with some Mozarabic Preces translated into the superposed point notation: the same Preces and some others are found with neums in the

Liber Ordinum of Silos. I give a specimen of these, taking the transliteration from an eleventh-century manuscript of Albi, now in the Bibliothèque Nationale in Paris. In it is found the response of the people; in the manuscripts of Silos and San Millán the same is given in Greek, *Kyrie eleison*, and without the melody, without the *Deus miserere*, so peculiarly characteristic of the French manuscript notably influenced by the Spanish.

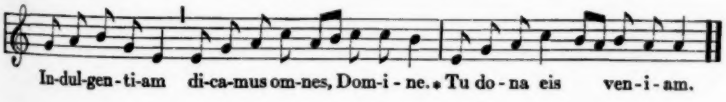


2. Ad te clamantes
Exaudi, Christe,
O Iesu bone,
Tu illi parce.
℟. Deus, miserere!

3. Genitor alme,
Rex omnis terræ,
Ianuam vitæ
Tu illi pande.
℟. Deus, miserere!

4. Lugentes, Deus,
Cælitus audi,
Et illi dele
Quidquid peccauit.
℟. Deus, miserere!

The Preces are proper to the Lenten liturgy and the Office of the Dead, passing in the course of time from the mass to the offices. In the manuscripts only those of the Office of the Dead are furnished with music, and not all can be transliterated note for note. In some, however, the diastematic use is already so far advanced that they can be fairly well transliterated, though one cannot be entirely sure of every detail. Such a case, for example, is that of the Preces in the Silos *Liber Ordinum*, whose probable transliteration would be

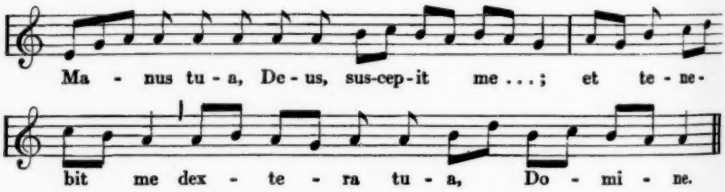


The people, according to the abbreviation in the margin, would respond *Kyrie eleison*, although it seems more likely that the phrase

for the response was *Tu dona eis ueniam*, with the variations *Tu dona, Et dona, Sed dona* for each strophe.

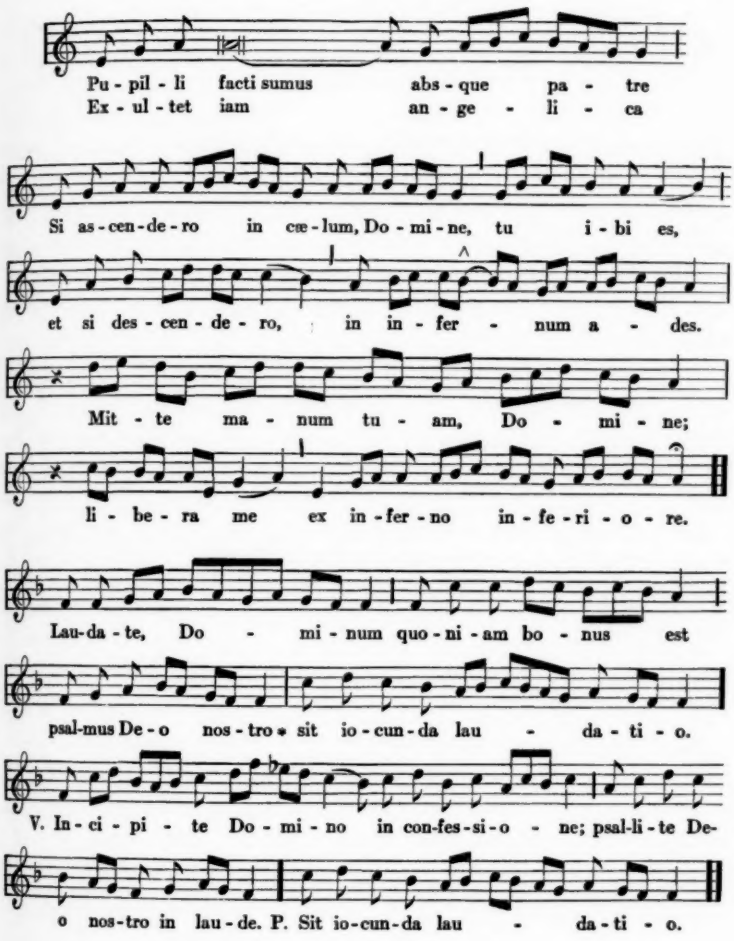
To give an idea of the Mozarabic chant, I transliterate some pieces of the ancient type, as well as some of the later, namely, the music found in the *Cantorales* of Cisneros. The two following antiphons, gems of mediaeval melodic art, are from the ancient group. The first, which begins *Manus tua*, breathes placidity and beatific peace. The second, *Si ascendero in caelum*, has an unquestionable expressive value and could hardly translate better the spirit of the Psalmist; it is a prayer in which the text vibrates in unison with the notes. Nothing could be more vehement than the *et si descendero in infernum* in which the soul feels the thrill of terror in appearing before a God seated in judgment, nothing more gentle and confident than the final supplication and the calm descent of the *libera me*, which so well conveys the feeling of complete entrance into the arms of a Father Who does not reject His faithless and prodigal sons.

The third of these antiphons, although composed in the sixteenth century, is not unworthy of its predecessors, possessing a pure and resolute melodic line although poorly adapted to the text; this lack of adjustment between music and text arouses the suspicion that here we are dealing with a melody older than the sixteenth century.



Note in passing the relation between the opening phrase of the antiphon *Manus tua*, the beginning of the Spanish version of the *Exultet* of the Holy Saturday office, and the Lamentations of Jeremiah recently included in the Vatican edition [1] as a tone *ad libitum* for Matins of Holy Saturday.

[1] *Sabbato Sancto ad Matutinum, in I Nocturno lectio III, Tonus ad libitum* in *In Tridui Sacro Maioris Hebdomadae. Officium et Missa cum cantu iuxta ordinem Breuiarii, Missalis et Pontificalis Romani* (Rome: Tipografia Poliglotta Vaticana, 1922), p. 166.



Melismatic Alleluias

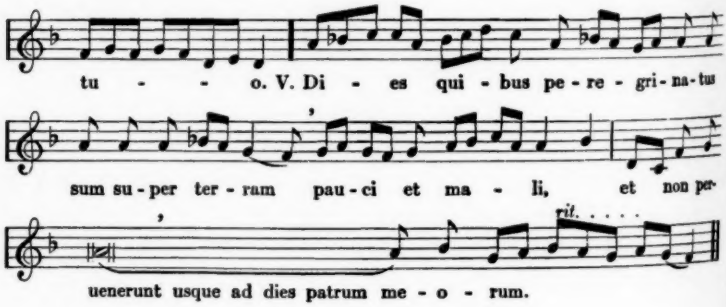
There still remains to be discussed the most ornate melodic type, the so-called melismatic. It is the richest and most solemn form, if not the most abundant in the liturgy. The Mozarabic, the Roman and Eastern rites have a clearly determined style for each class of pieces, the neums being very abundant in the Responds of the

office and the mass, and also in the Offertory, called by the Mozarabs Sacrificium. But they gather in the greatest numbers in the Alleluias of the mass, where they form almost interminable melodies, sometimes of three hundred or more notes. The word Alleluia is a voice more of heaven than of earth; it is not translated, nor is it permitted to be sung in certain seasons of the liturgical year. It is the song of the celestial country, ever new and never ending, like the alleluiatic melismas that adorn many of the pages of our old manuscripts, overflowing the narrow limits of the ordinary column. But unfortunately the transcribed pieces of the melismatic style are few in number.[1]

The few surviving examples of this melismatic music hold over us the same magical spell as other artistic manifestations of the past. The effect produced by some Mozarabic melodies sung at the Congreso de las Ciencias at Salamanca as illustrations for my lecture on the liturgical melodics of the ancient Spanish church still remains, and the profound impressions created on hearing them newly interpreted by the *seises* of the Cathedral of Salamanca and by the school of the Dominican Fathers, cannot quickly be erased from one's memory.

Real Abadía de Santo Domingo de Silos,
Burgos, Spain

[1] Since it is difficult for those unaccustomed to these melodies to understand them easily, I prefer to leave them for the more detailed forthcoming study. There the musician may revel in Responds like that which begins *Dies mei transierunt*, and of which I give here one verse to show an Ambrosian reminiscence, one more proof of the influence of the Milanese on the Mozarabic rite.



NOTES

THE MOZARABIC *LIBER ORDINUM*

THE editors of SPECULUM take pleasure in calling the reader's attention to the article upon Mozarabic Melodics by R. P. Germán Prado, O.S.B. As is obvious in the article the suppression of the Mozarabic liturgy in 1089, before the easily legible Aquitanian musical notation came into use, resulted in the preservation of Mozarabic music only in neums that were undecipherable without the help of a later diastematic notation. In consequence, this music, so significant for the study of the Spanish culture of the Middle Ages, has remained until recently quite unknown. R. P. Germán Prado, working with R. P. Casiano Rojo, Prior of Santo Domingo de Silos, has had the good fortune to discover and use the necessary key. The manuscript of the Mozarabic *Liber Ordinum* from the monastery of San Millán de la Cogolla is now preserved in the library of the Real Academia de la Historia in Madrid, where it bears the number 56 (formerly F 224.) On folios 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 of this manuscript the Mozarabic neums have been erased and notes in the Aquitanian superposed point system substituted in a twelfth-century hand. By this fortunate occurrence about twenty pieces of Mozarabic music, chiefly from the Office of the Dead, have been deciphered. By comparison with the manuscript of the *Liber Ordinum* in the library of Santo Domingo de Silos in which the Mozarabic neumatic notation of the same pieces is preserved a valuable clue has been obtained, which has made possible the present article and a larger forthcoming work on the same subject by RR. PP. Germán Prado and Casiano Rojo in which all the Mozarabic music at present deciphered will be published. The service books of the Mozarabic Chapel of Corpus Christi in Toledo Cathedral, founded by Cisneros, preserve in a corrupt form pieces of Mozarabic music. In all of these a rigidly measured time system has been imposed upon the originally free melodies, but in some cases the author has been able to cut away the later accretions and present the music in its original form, as in the *Gaudete populi*. In this way a number of pieces have been added to the stock gleaned from the San Millán *Liber Ordinum*. The musical illustrations of this article will give, for the first time to the English reader, examples of this important branch of mediaeval music.

FRACTION TABLES OF HERMANNUS CONTRACTUS[1]

THE Cathedral Library at Durham possesses an unnoticed early twelfth-century manuscript of English provenance of a work, hitherto unrecorded, of Hermannus Contractus. It contains the multiples, products, and quotients of the duodecimal fractions.

The manuscript, when first found by Dr Singer in February, 1927, was pasted on linen and very roughly nailed to a wooden frame measuring 1016 mm. × 610 mm. Dr Singer obtained permission for the manuscript to be sent to London to be studied by me and to be put into good order. When I examined it in April, 1927, I found that the ink was rubbed and worn in parts and that in one place a large piece of vellum was lost. The greater part of the chart, however, had escaped damage and I recognized its likeness to certain pages of another twelfth-century manuscript on on which I had been working. A closely similar, and also undescribed, set of tables is, in fact, to be found in a manuscript of English origin written in or about the year 1111 A.D. and now in the library of St John's College, Oxford (*MS. XVII*, fol. 48v–50).

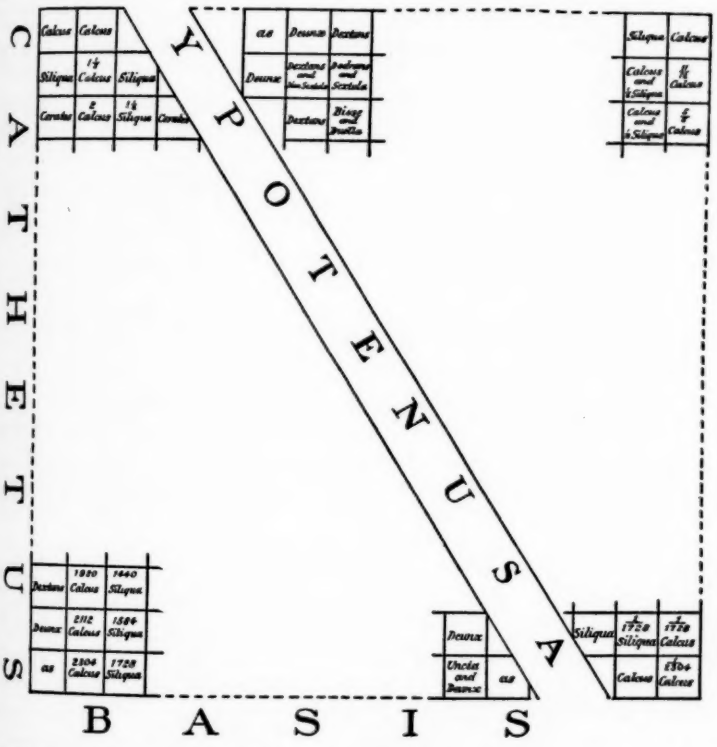
Both the St John's and the Durham tables use the Roman notation and fraction symbols. They are arranged with great economy of space and are handy to use. This is especially the case in the Durham chart, in which the multiplicands, multipliers, divisors, and dividends stand out clearly in alternate red and green, while the multiples, products, and quotients are smaller and in black. This chart is ruled in double lines of red and green, meeting in one corner in a grotesque drawing of a lion's head.

A large square table contains the multiples of the fractions. The twenty-five subdivisions of the *as*, i.e. the unit, descending from the *deunx* ($\frac{11}{12}$) to the *calcus* ($\frac{1}{2304}$ i.e. $\frac{1}{12\times 12\times 16}$), are written both in name and symbol at the head of the columns along the top of the square. On the left side of the square are the Roman figures I, II, to IX; X, XX, to XC; C, CC, to DCCCC; $\overline{\text{I}}$, $\overline{\text{II}}$, to $\overline{\text{X}}$. By addition of the multiples here given, every other multiple between the first and the ten-thousandth can be derived.

Some of these products are expressed simply by means of a single fraction or a mixed number, e.g., LX muliplied by a *sextula* ($\frac{1}{72}$) makes a *dextans* ($\frac{5}{6}$); and XX by a *sextans* ($\frac{1}{6}$) makes III and a *triens* ($\frac{1}{3}$). In other cases we notice the limitations of the duodecimal fractions. There was

[1] I gratefully acknowledge the help of Dr Charles Singer in the preparation of the present note.

a very small range of denominators in these fractions, only twenty-five in all, and in the subdivisions of the *uncia* ($\frac{1}{12}$) the numerators were always unity. Often no single fraction could be found to express the required quantity, which had therefore to be written as the sum of two or more fractions.[1] To take an example, the five-hundredth multiple of the *cerates* ($\frac{1}{1152}$) is a *quincunx*, a *sextula*, and a *scripulus*, i.e. ($\frac{5}{12}+\frac{1}{72}+\frac{1}{288}$).



The two other tables are arranged in right-angled triangles on either side of a common hypotenuse. The top right-hand corner contains the table of products of the twenty-five fractions.

Multiplier and multiplicand are written along the top and down the hypotenuse of the triangle, and the remainder of the table is filled with the products. Multiplier and multiplicand are interchangeable, and the

[1] See my 'Notation of Fractions in the Earlier Middle Ages,' *Archivio di Storia della Scienza*, Rome, 1927.

triangular table avoids duplication of the results. A similar economical arrangement persists still in Robert Recorde's table of products of integers in his *Grounde of Artes* published in London in 1543.

If we trace to their meeting point, say, the line of the *dextans* ($\frac{5}{6}$) and the column of the *bisse* ($\frac{2}{3}$), the produce (since no single fraction can show it exactly) is given as a *semis* ($\frac{1}{2}$) added to a *semuncia* ($\frac{1}{24}$) and a *sextula* ($\frac{1}{72}$). A yet more difficult case is that of a *septunx* ($\frac{7}{12}$) multiplied by a *tremissis* ($\frac{1}{216}$). The result is shown as an *obolus*, a *siliqua*, and a two-thirds part of a *siliqua* ($\frac{1}{576} + \frac{1}{1728} + \frac{2}{3}$ of $\frac{1}{1728}$).

The table of quotients in the bottom left-hand corner completes the square. Its sides are named *Ypotenusa*, *Cathetus*,[1] and *Basis*. The dividends are in the *Cathetus*. They ascend in value from the *calcus* ($\frac{1}{2304}$) at the meeting point of the *Cathetus* and *Ypotenusa*, to the *as* at the right angle. In the base the *calcus* follows immediately upon the *as*, and the fractions ascend in value to the *as* at the angle by the *Ypotenusa*.

The quotient, found at the meeting of the line of the dividend and column of the divisor, is expressed as the value of the dividend in terms of the divisor. Thus in the case of a *semis* ($\frac{1}{2}$) divided by a *sextula* ($\frac{1}{72}$), the quotient states that there are thirty-six *sextulae* in a *semis*. If, however, division is not exact, the remainder is shown; for example, in the case of a *dodrans* ($\frac{3}{4}$) divided by a *triens* ($\frac{1}{3}$), the quotient shows that in a *dodrans* there are two *triens* with an *uncia* ($\frac{1}{12}$) remaining.

The Duodecimal Fractions[2]

as	1	semuncia	$\frac{1}{24}$
deunx	$\frac{11}{12}$	duella	$\frac{1}{36}$
dextans	$\frac{5}{6}$	sicilicus	$\frac{1}{48}$
dodrans	$\frac{3}{4}$	sextula	$\frac{1}{72}$
bisse	$\frac{2}{3}$	dragma	$\frac{1}{96}$
septunx	$\frac{7}{12}$	hemisecula	$\frac{1}{144}$
semis	$\frac{1}{2}$	tremissis	$\frac{1}{216}$
quincunx	$\frac{5}{12}$	scripulus	$\frac{1}{288}$
triens	$\frac{1}{3}$	obolus	$\frac{1}{432}$
quadrans	$\frac{1}{4}$	bissiliqua	$\frac{1}{864}$
sextans	$\frac{1}{6}$	cerates	$\frac{1}{1152}$
sexcuncia	$\frac{1}{8}$	siliqua	$\frac{1}{1728}$
uncia	$\frac{1}{12}$	calcus	$\frac{1}{2304}$

[1] The alternate term *Perpendicular* is given by Hermannus Contractus in his *De Utilitatibus Astrolabii*.

[2] The duodecimal fractions were used also in a concrete sense as measurements of weight, time, and money. See my 'Notation of Fractions in the Earlier Middle Ages,' *cit. supra*.

In both the Durham and the Oxford manuscripts it is indicated that the tables are the work of one Hermannus. The question arises as to which Hermannus is implied. The tables are not mentioned among the writings of either Hermannus Contractus or Hermann the Dalmatian. Both manuscripts are too early to include a work by Hermann the Dalmatian.[1] The Durham manuscript appears to have been written at the latest by the middle of the twelfth century, while that at St John's College is a little earlier and includes one work bearing the date 1110. This early date suggests that the work is by Hermannus Contractus, who, moreover, wrote on kindred topics, such as the astrolabe and the computus.

The works of Hermannus Contractus are occasionally found associated with those of Gerbert, who was his younger contemporary. Thus in one of the Digby manuscripts on the astrolabe we find Hermann prefixing a description of the construction of the instrument to Gerbert's notes on its use.[2] In the St John's College manuscript itself we find Gerbert's [3] treatment of calculation given at length in *Ratio Regularum Abaci*, fol. 42–48, and the tables of products of fractions by Hermannus — merely a rearrangement of Gerbert's results in a concise form for reference — in the folios immediately following.

Tables like these were invaluable when lunar tables were worked out in duodecimal fractions. The change from duodecimal to astronomical fractions in astronomical work came about apparently during the first quarter of the twelfth century. Walcher, Prior of Malvern, composing lunar tables at some time between 1107 and 1112, used the duodecimal fractions, and later in his tables written in 1120 used degrees, minutes, and seconds.[4] These treatises by Walcher contain perhaps the earliest indication of Arabian influence in science in England. The earlier tables were calculated from the eclipse of 1092 observed by Walcher with an astrolabe, an instrument which he mentions with the Arabic names for two of its points.[5] The later treatise, containing the astronomical fractions, has a closer link with Arabic science. It is a translation into Latin of the work of the Arabic student, Petrus Alphonsi, a Spanish Jew converted to Christianity. It may even be that Petrus Alphonsi himself gave help in the translation since he appears to have been in England at the time.

Nothing of Arabian origin appears in the tables of duodecimal fractions, either in the Durham or in the Oxford copy. We may reasonably suppose, however, that Hermannus Contractus was in touch with Arabian science.

[1] For whom, see C. H. Haskins, *Studies in the History of Mediaeval Science* (Cambridge: Harvard University Press, 1924), chap. 3.

[2] Digby *MS. 174*, fol. 210v. [3] See fol. 43.

[4] Bodleian MS., *Auct. F. 1. 9* (fol. 86–99); on this, see C. H. Haskins, *op. cit.*, pp. 114 ff.

[5] Fol. 90, col. 2.

His treatises on the astrolabe [1] contain many Arabic words. Our tables, if by Hermaanus Contractus, are, therefore, presumably of earlier origin than his treatises on the astrolabe. We note that the *Ratio Regularum Abaci*, in the St John's MS. and based on Gerbert's teaching, mentions in its opening sentences the nine 'caracters' which head the principal columns of the abacus. Across the foot of folios 48v and 49 is a drawing of an abacus of twenty-seven columns, showing the symbols so used. Folio 50 gives the other and more important use of the 'caracters'— here, the marked counters used for calculation on the abacus — Andras, the second symbol, for example, designates, according to the arc in which it is placed, twice one, twice ten, twice a hundred, twice a thousand, etc. Gerbert, with whom we connect these counters, was in touch with Arabian science. He also wrote on the astrolabe; it may be that knowledge of these symbols came to him from an Arabic source.

The Durham chart and St John's College *MS. XVII*, being of English origin, containing works of these two men, and belonging as they do to the early part of the twelfth century, thus strengthen the evidence of a connection with England at this early date of men who knew something of Arabic learning.

The explanation of the tables is very similar in the Durham and the St John's MSS. The Durham chart describes a few more particular cases of products of fractions. The following text is from St John's *MS. XVII:*

FOLIO 48v

Ne in colligendis unciarum uel minutiarum summulis ex pluralitate numerorum difficultas minus prompto aliquando crearetur. Hec ab eximio doctore Hermanno quadrilatera elaborata est figura, minutias omnes naturaliter se sequentes suprema linea continens, in prima sinistri lateris linea numeros naturales integros ab uno usque ad X preferens. Principalis igitur linea singularum minutiarum summam ordine positarum semel exprimit, cuius in capite I pretitulatur. Secunda quid bis ducte conficiant exponit, cui prescribitur in capite binarius. Tercius quid ter aucte colligant eloquitur, cui terciarius preest. Idem in sequentibus. Si ergo scire cupis quam summam minutia quelibet bis uel ter uel amplius aucta conficiat, lineam cui preest numerus naturalis de quo queris et lineam cui minutia prescribitur de qua ambigis diligenter inspice, easque usque in angulum quem coeuntes faciunt vigili oculorum intuitu prosequere, quamque summam angulo illi ascriptam repperies, ex numero et minutia procreari non dubites. Verbi gratia si scire vis quid quater aut sexies semis ducta conficiat, ipsius semissis et quaternarii uel senarii lineas usque ad angularem coitum persequens, in altero quidem I quaternarii angulo II in altero, uero I senarii III

[1] Migne, *Patr. Lat.*, vol. CXLIII, *De Utilitatibus Astrolabii* and *De Mensura Astrolabii.*

reperies. Idipsum in ceteris obseruabis et sine difficultate summam omnium quam libet multiplicem si modo scriptum non fallat copulabis.

Folio 49r

In huius trigone descriptionis area, quid singule in se uel inter se minutie ducte generent annotatum est. Siquidem in primo uersu singule tantum minutie ordinatim disposite sunt, in secundo uersu cui deunx prenotatur, quid deunx in se et in sequentes se ductus efficiat subnotatur. In tertio cui dextans prescribitur, quid dextans idem in se et in sequentes se, et sic in ceteris.

Folio 49v

Exigis a me karissime frater N., quin immo honestum illud quod ni veneranda et iam prouecta maturitate exerces studium uiolentus a me exigis, ut siquid dignum auditu deo donante in abacum scripsero, totum karitati tue dono conferam. Quod nimirum ac libens faciam utpote qui me quoque beatum non dubitem, si cuiuslibet opusculi mei talem merear habere Calliopium. Hanc igitur triangularem figuram tibi propriam scilicet usui tuo elaboratam offero per quam simplicioribus abacistis quibus omnibus te preferre non timeo facilem reddas omnem cribri minutiarum difficultatem. Sicut enim e diuerso positus eximii doctoris H. triangulus a deunce usque ad calcum descendens, quot modis unaqueque pars assis diuidatur ostendit, ita iste a calco in deuncem demissus quam uariis minutiarum copulis uel as, uel qualibet eius pars colligatur discrete indicat, sine cuius rei notitia nec facile quemquem in hanc artem introduci nec fructuose in ea laborem quamuis inmodicum consumi arbitror. Habet autem iste triangulus ex omni latere omnes naturaliter dispositas minutias, ita ut quadam mira naturae potentia in quacumque minutia quelibet catheci linea sinistrorsum incipiat, in eadem contra ypotenusam dextrorsum desinat et quacumque minutia unaquaque basis linea deorsum prenotetur, ab eadem sursum continuatim possideatur et in eandem finiatur. Unde ⟨si⟩ in minutia queris quantam sub se minutiarum positarum numerositatem contineat, uide in qua basis linea contineatur caracter illius minutie cuius numerositas queritur, et simul considera in qua catheti linea caracter maioris minutie pretituletur, in qua minoris minutie numerositas requiritur, et a basi quidem sursum a catheco autem in directum utramque lineam uisu percurrens tabulam in qua ambe ortiogonaliter conueniunt, ipso quem queris numero certissime in scriptura repperies. Uerbi gratia. Si queris quot scripulorum bisse contineat, basis lineam scripulo inchoatam intuere et catheti lineam bisse unciatam respice et per utranque ut dixi ad angularem tabulam ambarum perueniens, quot scripulos bisse continet in eadem scriptum reuera inuenies.

London, England

Florence A. Yeldham

TWO NOTES ON MEDIAEVAL EUHEMERISM

I. Alfred and Ælfric

Mr Cooke's skilful unravelling in the October number of Speculum (1927) of the threads that were woven into mediaeval euhemerism led him from its beginnings in patristic writings to its reflection in English literature of the fourteenth century. Since his method of presentation excluded the Old English period, it may be of interest to note that the two chief writers of Old English prose use the euhemeristic argument.

When King Alfred, in his translation of Boethius, comes to the story of Ulysses and Circe, he deems it necessary to add some explanation of their characters for his untutored readers:

> Now a daughter of Apollo, son of Job [Jove], dwelt there. Job was their king, and feigned that he was the highest god, and the silly folk believed him, for he was of the kingly clan, and in those days they knew no other god, but worshipped their kings for gods. Job's father was also said to be a god; his name was Saturnus, and each of his sons likewise they accounted a god. One of them was the Apollo we just now spoke of. Now Apollo's daughter was, men say, a goddess whose name was Kirke [Circe].[1]

Ælfric's homily *De Falsis Deis*[2] includes euhemerism among other explanations of the worship of false gods. After Nimrod and the giants had built the Tower (*ðone wundorlican stȳpel*), mankind was deceived by the Devil, and began to worship the sun, moon, and stars; fire, earth, and water.

> Yet the heathen did not wish to be limited to so few deities, but began to worship various giants as their gods, and men who were mighty in worldly dignity and terrible in life, though they lived foully.[3]

Ælfric then tells how a man by the name of Saturn was so ferocious that he devoured all his own children except Jove, who led a lascivious life with his sister Juno and debauched his daughters Diana and Venus. Jove, he

[1] Sedgefield's translation (Oxford, 1900), pp. 133, 134. The original may be found in W. J. Sedgefield, *King Alfred's Old English Version of Boethius* (Oxford, 1899), chap. xxxviii, pp. 115, 116. Alfred's comments on the gods are so general that it is hardly necessary to attribute them to a definite source.

[2] Printed in full, with a translation by R. Unger, *Annaler for Nordisk Oldkyndighed* (1846), pp. 67 ff. (cf. Brandl, Paul's *Grundriss*, 2d ed., II, 1104, 1105. C. White, *Ælfric*, p. 128). Part of this version appears in J. Kemble, *Salomon and Saturn* (London, 1848), pp. 120–125. The most accessible version is the slightly different one included among Wulfstan's homilies: No. xviii (ed. Napier, Berlin, 1883), pp. 104–107.

[3] Kemble's translation (slightly revised), *Salomon and Saturn*, pp. 120, 121; the text is expanded somewhat in Wulfstan, pp. 105, 106. Cf. [Catholic] *Homilies*, ed. Thorpe, I, 366.

remarks, is called Thor among certain nations, and Mercury is Odin (Oðon) in Danish. 'These sinful men were the mightiest deities that the heathen worshipped, and wrought for themselves as gods.' The elements of which this passage is composed are all to be found in such writers as Lactantius, Arnobius, and Augustine, but Ælfric's arrangement of them would seem to point to a definite source.

A similar but briefer account of Saturn and Jove appears in Ælfric's life of *Saint Sebastian*.[1] Here Tranquillinus says to the heathen prefect Chromatius (pp. 126, 127): 'The gods whom ye worship were wicked men, evilly born and infamous in life; they were filled with crime and perished miserably.' This passage is included in the source of the Old English life, a pseudo-Ambrosian homily.[2] Such a condemnation of the heathen gods may be found in the mouth of many a martyr (see, for example, Mombritius, *Sanctuarium*, I, 154, 275).

II. Ninus and Nimrod

In commenting on mediaeval explanations of the origin of idolatry, Mr Cooke says that the author of the Middle English *Cursor Mundi* (*ca.* 1300–1325) follows Peter Comestor, except that he substitutes Nimrod for Ninus (vv. 2289–2301) as the person who made an image of his father. He suggests several reasons why the poet may have made this change. But even if the author of the *Cursor Mundi* was deliberately substituting Nimrod for Comestor's Ninus, he was merely following an early mediaeval tradition; for the two characters had been identified at least as early as the fourth century. In his translation of the *Clementine Recognitions*, Rufinus writes (*Patr. Gr.* II, 1327): '*Inter quos primus magica nihilominus arte quasi corusco ad eum delata, rex appellatur quidam Nemrod, quem et ipsum Graeci Ninum uocauerunt, ex cuius nomine Niniue ciuitas uocabulum sumpsit.*' The *Chronicon Paschale*, which cites the Clementine writings, makes a similar assertion (*Patr. Gr.* XCII, 124,125). It was not unnatural that Ninus, who in Greek mythology was the eponymous founder of Nineveh, should have been identified with the Biblical Nimrod, in Hebrew legend the founder of Babel, out of whose land, according to *Genesis* x, 12, 'went forth Asshur and builded Nineveh.'

It may be noted that in the *Clementine Recognitions*, the passage preceding that on Nimrod–Ninus contains the story of the origin of false worship, according to which a human being compels men to worship him by revealing to them the miracle of fire (cf. Cooke, Speculum, II, 406).

[1] *Lives of Saints*, ed. Skeat, *EETS.*, LXXVII, Hom. V, pp. 116–147.

[2] Migne, *Patr. Lat.* XVII, 1039; cf. J. Ott, *Ueber die Quellen der Heiligenleben in Aelfric's Lives of Saints* I (Halle, 1892), 17, 18.

In the *Recognitions* the man who becomes a god is not Nimrod, as in Comestor (*Genesis* xxxvii), but Mesraim–Zoroaster, son of Ham (*Patr. Gr.* I, 1326, 1327), whom Nimrod succeeded as master of the magic art.[1]

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THREE UNPRINTED OPUSCULA OF JOHN WYCLIF

IN the apportionment of various tracts of John Wyclif to different editors, the Wyclif Society, which has but recently (1924) terminated its official existence, not unnaturally overlooked some of the Reformer's minor works. Yet it is only just to say that of the work of the later years of Wyclif, with the exception of his Commentary on the New Testament, nothing has been left unprinted that is of any great or startling import. But the text of three minor pieces, here published for the first time, may not come amiss to those who are interested in the life and the period of the Doctor Evangelicus.

I

The first of the three is, in mediaeval university language, a *questio*, an exercise in argument, in which the subject for debate was assigned by the professor; certain students were selected to present the affirmative or the negative of the question, while the professor acted as presiding officer and judge, giving a resumé of the discussion, either as it was or as it should have been presented, much after the fashion of a modern class in debating.

The external evidence for assigning this *questio* to Wyclif is not, of itself, entirely convincing. It is No. 32 in W. W. Shirley's *Catalogue* (1865)[2] and No. 33 in Loserth's revision of the earlier catalogue (1924).[3] But it is not mentioned in any one of the three Vienna Catalogues of Wyclif's works,[4] dating from the early years of the fifteenth century, which are ordinarily quite complete, particularly in regard to works of the Reformer's later years. The *questio* is extant in a unique manuscript: Univ. Prague, *MS. XI. E. 3*, now numbered 2050, fol. 61v.[5] It is the tenth item in a codex containing many of Wyclif's shorter tracts, and letters and odds and ends of Hussite times. The nine preceding items are all by Wyclif, the following,

[1] Cf. *Chron. Pasch.*, 37 (*Patr. Gr.* XCII, 145–149), where both Nimrod and Zoroaster are said to have been called Orion. The mediaeval passion for syncretism led to many other identifications (see Migne, *Patr. Gr.* I, 1325, note 7, 'Zoroastrem').

[2] *A Catalogue of the Original Works of John Wyclif*, Oxford, 1865.

[3] *Shirley's Catalogue of the Extant Latin Works of John Wyclif*, revised by Johann Loserth, London: Wyclif Society, [1924].

[4] Cf. R. Buddensieg, Introduction to *Polemical Works* I, lix–lxxxiv.

[5] Cf. J. Truhlář, *Catalogus Codd. MSS Univ. Prag.* (Prague, 1905–06), II, 152 f.

the eleventh, is Hus' *Tractatus de Corpore Christi*. The writing is the work of many hands, all Bohemian we may assume, dating from the first decade of the fifteenth century until as late as 1460 (dated fol. 54r). Shirley said of it: 'Appended to a copy of Wyclif's "*Protestor Publice.*" It is not known otherwise and seems to be an extract.' It can hardly be spoken of as 'appended' since it is an independent tract with its own title, written on another page (fol. 61v) though in the same hand that wrote several of the preceding items. At the bottom of the page there is a short quotation from Nicholas of Lyra on Matthew xvi, of four lines, evidently added to fill up the page. Loserth, in his revision of Shirley's *Catalogue*, has quoted Shirley's judgment, evidently without having examined the *questio*; yet it is clear from its location that it is separate and complete while the subject matter is not to be found, in this order, in any other of Wyclif's works. It is, therefore, not an 'extract.'

If it is not referred to elsewhere — for example, in the almost contemporary Vienna catalogues — or known in any way as an extract from any of Wyclif's more considerable works, and if it is not assigned to him in the codex, one might question that it comes from the Reformer. Yet one can with even more certainty than is often attainable in questions of mediaeval authorship ascribe this *questio* to Wyclif for the following reasons: (1) its presence in the codex as the tenth in a series of Wyclif's tracts, written by the scribe who had copied five of the other nine, is of itself of considerable weight; (2) the manner of the attack on transubstantiation has many actual parallels in Wyclif's *De Eucharistia*, as e.g., pp. 48, 286–290; and (3) clearest of all, there is a reference in the third paragraph at the end of the second *Item* to his *De Dominio Diuino*: '*Uide in tractatu de dominio diuino ca° 7°, quasi per magnum passum.*' These reasons combine to put its Wycliffian authorship beyond any reasonable doubt.

As to the date of composition. The attitude shown toward transubstantiation puts the *terminus a quo* at 1380, inasmuch as we do not know of open opposition on the part of Wyclif to the Church doctrine of the Eucharist before that date.[1] Moreover, its closeness in tone and thought to the *De Eucharistia* leads us to assign it to the year 1382, the probable date of the larger tractate.

We have, then, before us a small but compact and significant illustration of Wyclif's teaching activity, almost unique among his extant works. It is not a lecture, nor is it directly polemic, nor is it an extract, but from all appearances it represents the notes none too accurately taken down by some eager student as Wyclif gave a succinct résumé of a class-room debate or *questio*.

[1] Cf. *Chronicon Angliae* (Rolls Series, London, 1874), p. 281, anno 1381, and *Walsingham Hist. Angl.* (Rolls Series, London, 1863), i, 450, anno 1381.

ERRARE IN MATERIA FIDEI QUOD POSSIT ECCLESIA MILITANS [1]

Arguitur sic: ecclesia militans potuit olym determinare quod panis remaneat post confeccionem, quia non facto sic temendum [2] fuisset. Et quidem hodie oppositum determinatum patet in decretalibus locis uariis; et non dubium uariacio nulla facta est ex parte rei. Si ergo rei ueritas fuit tunc, posita illa actuali determinacione et admissa, sequitur, quod adhuc est ueritas. Nulla uariacio facta est ex parte rei in sacramento sensibili hodie, quando eadem fuisset cum illa determinacione possibili ipsius ecclesie. Eadem enim est natura sacramenti hodie, que fuisset facta illa determinacione, sed illa executori [3] deducta panis remansisset.

Item, ante pretactam determinacionem ueritas fuit illud sacramentum esse in sui natura illud, quod pro tunc ecclesia potuit determinare illud sacramentum esse. Pro tunc ipsa ecclesia potuit sic determinare, scilicet, quod panis remanet, ergo, etc.

Item, cuiuscunque nature specifice potuit esse sacramentum sensibile ante determinacionem ecclesie, pro tunc fuit natura eiusdem. Sed ante determinacionem ecclesie potuit esse nature specifice panis; dato opposito manifeste sequitur omnem speciem potuisse esse alterius speciei. Ex quo sequitur principia rerum quiditatiua tam in generibus quam speciebus mutari. Uide in tractatu de dominio diuino ca° 7°, quasi per magnum passum.[4]

Item, queritur ab aduersario utrum ante determinacionem ecclesie potuit ecclesia determinare ipsum sacramentum sensibile esse alterius nature quam est hodie; quod si sic, tunc ecclesiam per eius determinacionem posse rerum naturas specificas uariare.

Item, queritur quid in fide scripture signat iste terminus 'panis' ante hanc ecclesie determinacionem. Si dubitatur, consequerer, sic dubitandum esset de quolibet altero termino, et sic oportet in quolibet credendo expectare determinacionem ecclesie de significacione primaria terminorum. Quomodo ergo potest theologus esse certus de subiecto sue sciencie, quod nullis terminis potest conuenienter exprimere ante determinacionem de primaria terminorum significacione? Quid igitur crediderunt appostoli et Christi discipuli esse hoc sacramentum in natura sua specifica?

Item, ecclesia moderna, succedens appostolis et discipulis iam mortuis, in bona fide non potest ante determinacionem ecclesie de natura specifica sacramenti aliter determinare quam appostoli <cr> ediderunt. Nam dato opposito, sequitur, quod ista ecclesia moderna potest licite determinare, quod fides appostolica non sit seruanda in ecclesia moderna, sed totaliter uera perfidia opposita. Sed cum ecclesia ante determinacionem potuit remanenciam panis determinare, sequitur, quod appostoli sic crediderunt. Ex quo ecclesia ista determinauit iam, quod accidens manet sine subiecto in sacramento. Sequitur ex quo, fidem christianam non possunt ad omnem panis differenciam conuertere ad libitum, appostoli sic crediderunt, aut inperfide recesserunt, aut fidem suam de certo determinacioni commisserunt successorum.

[1] Univ. Prag., *MS. XI. E. 3.* (2050) fol. 61v.

[2] *Sic Cod. The meaning is probably: 'for if that were not so, it (impersonal) would be terrible.' Wyclif often refers to the 'terrible' consequences of the doctrine of annihilation* — 'quod nefas est credere.'

[3] Executori *is hardly translatable. It seems to mean, however: 'but if the executor of that determination (i.e. the church) be disregarded, the bread would remain.*

[4] Cf. Wyclif, *De Dom. Diuino*, pp. 48 ff.

II

The second short tract, *De Clauibus Ecclesie siue De Potestate Ligandi* (Shirley's *Catalogue*, No. 70; Loserth's *Revision*, No. 71) is extant in three MSS: Pal. Vindob. (now National-Bibliothek, Vienna), 1337, fol. 174v (A); *ibid.*, 1338, fol. 30v (B); *ibid.*, 1387, fol. 107r. This last codex I have not collated. All three codices have been carefully described by Buddensieg in his Introduction to Wyclif's *Polemical Works*. The three contain exclusively, aside from this item, accepted Wycliffiana, in itself a strong proof of the authorship of the present short tract. The first two of the codices mentioned are by the same scribe, the third in several very careful hands. From its title we might be led to place the tract as of the same time as the *De Potestate Pape*, 1379–1380, but it is in fact considerably later. The references to the misuse of bulls and indulgences, excommunications and censures, suggest strongly that it is from the same period as the *Cruciata*, that is, about the year 1383, at the time of Bishop Spencer's crusade to Flanders.

Incipit [1] De Clauibus Ecclesie, *id est* De Potestate Ligandi

Quodcunque ligauerit uel soluerit super terram conformiter ad Christi iudicium et ecclesie, ligatum uel solutum erit et in celis. Et si errauerit in soluendo subditos uel ligando, quid sibi de huiusmodi dicto? Similiter quod si propter talem repugnanciam excommunicat, combuerit uel damnat [2] sic loquentem tanquam hereticum et [3] infidelem, quis dubitat, quin ista ceca foret presumpcio? [4] Claues enim celorum sunt potestates ligandi et soluendi, in humilitate et ceteris uirtutibus fundate, et limitate per fidem scripture a rubigine Antichristi. Ideo quantum ad auctoritatem ewangelii est communis solucio atque catholica, quod tunc solum ligat uel soluit, remittit uel retinet Christi uicarius peccatum hominis, quando conformat se capiti ecclesie triumphantis.[5] Nec dubium fidelibus de hac fide, cum inpossibile sit christianum hec [6] facere, nisi deus prius [7] faciat illud idem. Et [8] per consequens papa, uicarie faciente illud, quod est citra fidem sperabile [9] a contrito papa, esset tunc de tanto conformis capiti ecclesie triumphantis.[10] Ergo non sequitur, si quis dicit uel bullariter scribit, quod sic soluit [11] hominem uel ligat, concedit tales indulgencias, inponit excommunicaciones huiusmodi uel censuras, ergo [12] sic facit caput ecclesie triumphantis,[13] quia tunc indubie foret papa inpeccabilis. Explicit [14] de potestate ligandi et soluendi, paruum quid est. Amen.

III

The third tractate, *De Officio Regis Conclusio* (Shirley's *Catalogue*, No. 69; Loserth's *Revision*, No. 70) is preserved in seven MSS, of which three

[1] *Sic A; B habet* De Clauibus Ecclesie. *Title in both codices in red.*
[2] *B* dampnat.
[3] *A* et *deest.*
[4] *A* presumpcio Antichristi.
[5] *A* triunfantis.
[6] *A* hoc.
[7] *B* prius *deest.*
[8] *A* Eciam.
[9] *A corr. in marg. ad* sperabilem.
[10] *A* triunfantis.
[11] *B* soluerit.
[12] *B* ergo non sic facit.
[13] *A* triunfantis.
[14] *B habet solum* Explicit de clauibus ecclesie.

are in the National-Bibliothek, Vienna: 1338, f.30b; 1387, f.107; 4515, f.83; three in the Prague Univ. Library: 1876, f. 197a; 1995, f. 92a; 2050, f. 59a; and one in the Prague Chapter Library: 693, f. 151a. The Vienna codices have been described by R. Buddensieg in his Introduction to Wyclif's *Polemical Works*. The first two, 1338 and 1387, contain, as we have seen, exclusively Wycliffiana. All the other codices, at Prague and at Vienna, are collections of Hussite and Wycliffite literature. In none of the codices is the tract definitely assigned to Wyclif, but its presence in the two codices otherwise containing nothing but Wyclif's works is a strong presumption in favor of Wycliffian authorship. But the subject-matter is even more conclusive. In his short tract, *De Incarcerandis Fidelibus* (*Opera Minora*, pp. 92-97), Wyclif gives an argument that coincides almost exactly with the first sentence of the *Conclusio:* '*Iterum, nulli dubium quin reges et milites debent deo secundum formam potestatis eis traditam militare, sed habent a deo potestatem coactiuam et punitiuam, ergo debent deo in puniendo inimicos eius taliter ministrare*' (*Op. Min.*, p. 94). The date of this tract is about 1379 (cf. Loserth, *Op. Min.*, Introd., p. xvi f.). The reference to the deposition of Abiathar by King Solomon, the '*rex pacificus*,' was a favorite illustration with Wyclif in the years 1377–79. In all three books on Civil Dominion he uses it in the same way as it is used in this small tract—to prove that the power of the king to depose wicked priests is a power sanctioned by Scripture:

De Civ. Dom. i, 291: Unde Sadoch prefecit Salomon in summum pontificem loco Abiathar sacerdotis. *Ibid.* ii, 63: sic Salomon nedum restitit sed de(posuit) Abiathar summum pontificem. *Ibid.* iii 323: Solomon deposuit Abiathar de summo sacrificio. *Ibid.*, iii, 464: sic Solomon deposuit ad stabilimentum regni sui Abiathar summum pontificem.

The incident is referred to once more in the *De Civ. Dom.* in words which Wyclif uses again in another tract, the 33 Conclusions or *De Paupertate Christi*. The verbal parallels may well confirm the opinion of the editor (Loserth) that they are contemporary.

De Civ. Dom., iii, 482	*De Paupertate Christi* (*Op. Min.*, p. 62)
Unde . . . legitur quod Salomon in confirmacione ac pacificacione regni sui dixit Abyatar sacerdoti. . . . *Si igitur rex tam sapiens tam laudabiliter deposuit summum pontificem*[1] ex	*Si ergo rex tam sapiens tam laudabiliter deposuit summum pontificem et per consequens abstulit ab eo temporalia que ex lege Moysi sequerentur,*[1]

[1] Italics are mine.

hereditate domini constitutum, *et per consequens abstulit ab eo temporalia que ex lege Moysi sequerentur*, modicum videtur pios principes *subtrahere suas elemosinas*. . . . licet regibus nostris ad pacificacionem regni sui pro maiori facinore *auferre proprias elemosynas* que non tanta auctoritate neque constancia sunt annexa.

Wyclif makes one other brief reference to this incident in Old Testament ecclesiastical politics, in the *Dialogus* (p. 89): *rex sapiens Salomon ad pacificacionem regni sui deposuit summum pontificem et alium licenter instituit*. This detail is added evidence that this tractate is also from the same period. Neither before 1377 nor after 1380 does Wyclif elsewhere refer to Abiathar's deposition. From this fact, and the closer resemblance in tone and wording to the third book on Civil Dominion, we place the date of this *Conclusio* at 1379.

De Officio Regis Conclusio [1]

Rex debet ex ui sui officii defendere legem [2] dei, per potestatem coactiuam compellere rebellantes et in regno suo destruere legi domini aduersantes. Et qui resistunt in isto regibus, uoluntati domini resistunt secundum apostolum.[3] Et istud executus est sapiens rex Salomon in ueteri [4] testamento, deponendo summum pontificem, ut patet 3ii Regum 2° de Abiathar [5] deposito et Sadock summo sacerdote, quem posuit loco sui. Hoc autem fuit maius [6] quam auferre [7] temporalia ab episcopo, quod et fecit. Et propter hoc fuit [8] Salomon rex pacificus et pregnum suum in uirtute domini prosperatum. Et propter istud triplex officium, quod rex debet soluere deo suo, deus regi retribuit triplex bonum, scil. prosperitatem mundanam et seculi potestatem, honorificenciam mundi eciam a suo precipuo sacerdote, et finaliter beatitudinem secundum gradum, quo fideliter seruierit deo suo.[9]

[1] MS. Pal. Vindob. 1338, f. 30b (*A*); MS. Univ. Prag. 2050, f. 59a (*B*); other codices not collated.

[2] *B sequitur* Christi *deletum*.

[3] *B* appostolum.

[4] *B* uetere.

[5] *B* Abijathar.

[6] *B* mayus.

[7] *B* aufferre.

[8] *A* fuit rex Salomon pacificus.

[9] *B addit*. Explicit conclusio.

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AN INSCRIPTION OF 1095 AT LOARRE

THE sepulchral inscription of Tulgas at the entrance to the church of the castle of Loarre (Huesca), although published many times and frequently referred to, has never been entirely deciphered, and because of its chronological importance in the study of Spanish eleventh-century architecture it seems worth while to present the complete text. The date has been interpreted variously: Padre Ramón de Huesca, in his *Teatro de las Iglesias del Reino de Aragón*,[1] read *era MCXXXIII* (A.D. 1095) with entire accuracy. Believing the *C* to be an *L* the Marqués de Monsalud[2] pushed the date back fifty years to 1045; this reading is followed by Ricardo del Arco.[3] Isidro Gil[4] made 1096 by reading *era MCXXXIIII*. Mr A. Kingsley Porter, in the *Burlington Magazine*, LII (1928), 111–127, 'Iguácel and more Romanesque Art of Aragon,' establishes the date as 1095, as can be clearly seen from an examination of the reproduction.

The inscription, although uncommonly worded, presents no real difficulties and reads

+ IN DEI N̄N̄E: HIC RE
QVIESCIT: FAMVLVS DE
I TVLGAS: QVI OBIIT PRI
DIE KL̄S DECĒBRIS IN E
RA MCXXXIII QVI
LEGERIT ISTAS LITERS
ORET PATRĒ EVS VT DO
NET ILLI REIĒ SERENĀ

(In dei nomine hic requiescit famulus Dei Tulgas, qui obiit pridie kalendas Decembris in era MCXXXIII [November 30, 1095]. Qui legerit istas litteras, oret patrem eius ut donet illi requiem serenam.)

[1] (Pamplona: 1796), VI, 127.
[2] *Boletín de la Real Academia de la Historia* XXXII (Madrid, 1898), 9.
[3] *El Castillo Real de Loarre* (Madrid: Librería General de Justo Martínez, 1917), p. 9.
[4] 'El Castillo de Loarre,' *Arte Español* I (1913), 287.

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A. Kingsley Porter phot.

LOARRE (HUESCA). SEPULCHRAL INSCRIPTION OF TULGAS

REVIEWS

JEAN BECK, *Les Chansonniers des Troubadours et des Trouvères publiés en facsimile et édités, texte et musique*, Vols I and II. Philadelphia: University of Pennsylvania Press, 1927. Pp. xxxiii, 282; lxxvi, 343.

To see the lyrics of the Middle Ages as they are, and not as some one thinks they ought to be! And to see every song with its tune! That means the beginning of a really competent study of mediaeval poetic art. Words and music grew up together; without the air one cannot rightly grasp the metrics, and with the air many a linguistic trait is understood which else were incomprehensible. For intelligent appreciation nothing less than the whole composition will do — texts and notes indissolubly combined. This we have all known theoretically ever since Professor Beck published *Die Melodien der Troubadours* in 1908 and *La Musique des Troubadours* in 1909 (perhaps we suspected it even before), and we have been reminded of it from time to time when he has dealt with some phase of the subject in print or in public lecture. But we have been helpless in the absence of the documents; even possessed of these sheets, we should be still helpless in our ignorance of mediaeval music, were it not for the expert transposing hand of the editor — an expertness based on the study of over 20,000 musical facsimiles which he has collected from the libraries of Europe.

The two majestic, handsome volumes now before us are but the beginning of Professor Beck's grandiose plan. In his *Corpus Cantilenarum Medii Aevi* he intends to make accessible every surviving thing non-liturgical that was sung in western Europe in the twelfth and thirteenth centuries. Something less than 20,000 musical compositions are known to exist; the fundamental principles were established before the end of the twelfth century, and a rapid development ensued in the thirteenth. For text, there are extant some 5,000 poems of *trouvères* and *troubadours*, contained in about 100 manuscripts of the thirteenth and fourteenth centuries. A comparison of these song-books is essential for the tracing of literary and melodic relations; and such comparison is now to be made possible for all. We owe a debt of gratitude to Mrs Mary Louise Curtis Bok, founder of the Curtis Institute of Music, whose generosity made the great enterprise possible.

As a beginning, the editor has chosen *MS. français No. 846* of the Bibliothèque Nationale, known as the *Chansonnier Cangé* — so called from an owner, Chatre de Cangé, a collector and student of song-books, who, having purchased it in 1724, wrote in the margin certain corrections, comments, and attributions drawn from his comparative investigations. These

notes, in a delicate, minute hand, do not at all mar the beautiful pages. The text is wonderfully clear, offering few difficulties to the transcriber; abbreviations are few; the hand is thirteenth-century Gothic. The manuscript seems to have been an *edition de luxe;* it shows no signs of wear. Choice in its make-up, it is aristocratic also in its contents: its favorite poet is the King of Navarre; it contains only three real *pastourelles* and only four other poems of similar type. Altogether there are 351 pieces, 74 of them not found elsewhere. They are grouped alphabetically according to the first letter of the *incipit;* inside each of these alphabetical groups they seem to be placed unsystematically according to associations of rime or matter. The authors number 56, and there are 98 anonymous songs. After the King of Navarre (Thibaut IV de Champagne), who is represented by 64 pieces, comes Gace Brulé with 46; the Chatelain de Coucy, Perrin d'Agincourt, Gautier d'Epinal, Adan de la Hale, next in favor, are far less heavy contributors. Some poets elsewhere popular do not figure at all, for instance, Jean Bodel, Gautier de Coincy, Jehan Bretel the *jeu-parti* artist, and the great musician, Richart de Fournival, appears only once. Of all the lyrics, 101 have one envoy each, 29 have two, four have three. Most of them have tripartition in the sense that lines 3 and 4 of each strophe are sung to the same tune as lines 1 and 2. In a few, there is melodic repetition of lines 1–4 by lines 5–8, having only a little tag, or refrain, with a different air. In the manuscript, at the head of each poem, is the music, with the first verses to be sung to it; then comes the rest of the text written solid, with little punctuation and no distinction of lines, but with capitals to indicate the beginnings of stanzas; the initial letter of the piece is elaborately designed, sometimes with a pretty little picture inside.

The thirteenth-century compiler of the collection, an unknown Burgundian, reveals in his work something of his personality. A refined artist he was, and certainly a musician. Not only had he the scientific skill required to transpose tunes from the old 'square notation' into the 'proportional' system; he seems also to have known his airs by heart. Indeed, Dr Beck's main reason for choosing this MS. to begin his series is that the Cangé is the only song-book with complete music and with regular indication of the length of the notes. For purity of dialect, it is inferior to the *Chansonnier du Roy* — but to that alone. Moreover, the text is pretty accurate and the sheets are intact. It may perhaps be assumed that whatever we find in the way of deviation from other versions, in words or music, is due to the compiler himself. At any rate, our editor chooses to treat this mediaeval scribe, for whom he has conceived an almost tender regard, as an independent adapter, entitled to the same respect which Bédier feels for the Oxford MS. of the *Chanson de Roland.* A happy result of his method is that we have the book almost exactly as it was known to its immediate

public. Punctuation is used, to be sure, in the transcriptions; but corrections are confined to the few mistakes that are both obvious and troublesome. The original spelling is kept, inconsistent though it be, and sometimes ungrammatical. The occasional writing of two contiguous vowels under one note indicates that the scribe did not always mark elision. But he took far greater liberties than any mere freedom of spelling. In Dr Beck's belief, he indulged in additional lines here and there, even in whole stanzas; and from time to time he changed past tenses to present, and second and third persons to first, in his eagerness to vivify the story and put himself into it.

A very real person this compiler becomes under our editor's sympathetic and penetrating treatment. For uniformity of spelling he cared no more than most of his contemporaries. A dozen times he writes *qui* for *qu'il*, — *qui port*, for instance, — just as people pronounce nowadays. He mixes up *u* and *v*, *x* and *us*, long and short *s* ; *ai* and *e* alternate for open *e*, while close *e* is often *ey*; *-os* alternates with *-ous*, *-ouse* with *-euse*. There is confusion of *e* and *i*, as in *me* and *mi* ; under certain circumstances there is interchange of *ai*, *ei*, *ie*, and *oi*. Often alternative forms will occur in the same poem. Many of these irregularities are due, of course, to the fact that the compiler was copying from several different dialects, sometimes turning the forms he met into his own Burgundian, sometimes letting them stand. When, however, *est* is spelled *ai* or *ait*, it is likely we have to do with a case of writing from dictation.

In dealing with the music, our collector had abundant opportunity for the use of his own discretion. How much of original interpretation there may be in his rendering in explicit terms a mere outline notation, we cannot tell. We can get a few hints from five songs, which by some oversight are twice included with their notes; also from three *jeux-partis* which are set to the tunes of other pieces included in the manuscript. At any rate, one finds a certain adaption of melody to sentiment: sorrow, doubt, joy are expressed in the airs; so the notions of completeness and incompleteness. There are masculine and feminine endings, as in the verse. The compass is ordinarily that of the Gregorian chant; the greatest range in any piece is an octave plus a sixth. The favorite terminal note (occurring in 55 of the 351 songs) is *sol*. In general the compilation is doubtless from 20 to 100 years later than the original composition of the songs. Although there is no division into bars, a faint vertical line is frequently used to separate (in the music) verse from verse. The staff consists of four lines and three spaces; and, as the notes are not often allowed to stray above or below, there is always at the left a shifting clef sign indicating the place of the key-notes. The notes themselves are rectangular; length is marked by ascending or descending tails.

As is usually the case in mediaeval song, there is no regular correspondence (save at the end of the line) between the musical accent and the natural stress of the words. For the reader of Middle Age poetry, there is an incomprehensible gap between the strong binary march of the Latin hymns and the accentless Romance verse, based on equality of syllables; but the change is explicable when we find even such Latin verses set to music which completely disregards their stress. There must have been at some time a revolution in musical fashion, in consequence of which the words which were composed for one mode (presumably the fifth, or spondaic) came to be sung to a different measure; then all that counted was a number of syllables equal to the number of notes. Hence the Neo-Latin songs, when they came to be written, were built on that model. One cannot be sure that the thing happened thus; but that is the direction in which the evidence points. And the coincidence of beat and stress (elsewhere unrelated) on the final syllable of the lines may have begotten or fostered rime.

Of the two volumes before us, the first contains the plates: 141 recto and verso sheets, with facsimiles of the two-column pages of the manuscript, all admirably distinct. The second has the transcription of the text, with the least possible touching up, and the transposition of the music into our modern notation, according to the system discovered and practised by the editor. Both volumes include also certain tables and certain essays. One table lists all the poems by their *incipit* and first rime, and tells the place of each in all the other manuscripts that contain them. Another collates the numbers given to the poems in this collection with those they bear in Raynaud's *Bibliographie*. Another consists of an alphabetical index of all the rimes and all the places where they occur. Still another analyzes the metrical and musical structure of each of the songs, these being arranged in the alphabetical sequence of their *incipit* and accompanied by the name of the probable author. These tables, which bear witness to almost incredible industry and ingenuity, are mainly the work of Mrs Beck. There is also a list of editions of Old-French poets and poems. Professor Beck's introductory discussions, after an illuminating *Avant-propos*, are entitled: *Description du Manuscrit Cangé, la Méthode projetée pour l'édition du Corpus Cantilenarum Medii Aevi, le Scribe du Chansonnier Cangé et son Travail, la Sémantique Musicale du Manuscrit Cangé, les Principes de la Versification Latine et Romane au Moyen Age, l'Esthétique de la Forme dans la Chanson du Moyen Age.* Many of the things therein treated have been briefly suggested in the foregoing paragraphs.

May success continue to attend Professor Beck in his gigantic enterprise!

C. H. Grandgent,
Harvard University.

E. K. CHAMBERS, *Arthur of Britain*. London: Sedgwick and Jackson, Ltd., 1927. Pp. 299.

ANY work by so eminent a scholar as Sir Edmund Chambers is certain to be welcomed with eagerness and read with respect. One might well have hoped that in turning from the history of drama to Arthurian studies, a domain of scholarship somewhat dangerous for its miry bogs and baffling thickets, he would be able to see his way clearly and settle a good many vexed questions. Unfortunately — and apparently because he underestimated the difficulty of his task — he has not given us the book of our expectation. The little volume he has produced is handsome, for which we may be grateful to the publishers, but it is marred by very serious faults.

To the general plan no exception can be taken. The author has tried to isolate the figure of Arthur, studying him in his successive stages as a hero of pretended history and acknowledged romance. There are chapters on the Early Tradition, on Geoffrey of Monmouth and his sources, on the acceptance of Arthur by later chroniclers as an historic king, on the part he plays in the romances, and finally on the question of his place in history and his relation to Celtic mythology. To these chapters are added some fifty pages of 'Records,' which include pertinent passages from the chronicles, beginning with fifth-century references to Saxon invasions and running to Adam Murimuth in the fourteenth century. The design is admirable, as the reader sees at a glance; only more slowly does he come reluctantly to the conclusion that the book must be drastically revised before it can be of much use to scholars.

In the first place, it is often quite impossible to understand what Sir Edmund means, without reference to the earlier studies upon which he has relied. Instead of being content, in the 232 pages that constitute the main part of his volume, to treat the subject in outline merely, which would have given him space to state clearly the points he chose to make, he has constantly involved himself in discussions of detail, which cannot be presented briefly without the sacrifice of either clarity or truth. For example, I doubt whether anyone unacquainted with Loth's *Les Mabinogion* could gain an intelligent notion of the Welsh material dealt with by the author in his chapter, 'The Sources of Geoffrey'; and I feel quite sure that the account of the French prose romances (pp. 156–166) cannot be read with profit unless one knows the studies by Bruce and others — which means that it is useful to nobody. This is to say, of course, that Sir Edmund Chambers has not the art of condensed statement. Lightheartedly he devotes 14 pages (pp. 183–197) to a survey of 'the localities traditionally associated with Arthur's name,' only to conclude (p. 197) that they 'do not help us'; yet to Wace and Layamon together he gives only half a dozen pages.

To quarrel with him for disposing of the space at his command as he saw fit may seem captious, since Arthurian studies bristle with difficulties and invite controversy. The mention of *mons Badonis* leads almost of necessity to discussion. We should welcome the excursions for their own sake, no doubt, except for two facts. To begin with, the author abjures references for the most part, even when indulging in debate; this leaves the reader dependent on a meagre 'Bibliographical Note' at the end of the volume or on his own resources — if he cares to check the statements made, as he must assuredly do. Again, Chambers has a way of settling vexed questions out of hand, which might mislead the uninstructed reader into thinking that no real difficulty exists. The habit is irritating to anyone who is aware of the actual state of affairs. For example, he says of Badon (p. 4): 'The battle took place, if I read Gildas aright, exactly forty-four years and one month after the activities of Ambrosius. But some treat this period as extending from the battle to the writing of the *De Excidio*.' There is no hint either here, or later (p. 171) when he comes back to the matter, that the scholars with whom he cavalierly disagrees about a notoriously difficult passage include such accomplished Latinists as Mommsen and the late Charles Plummer, or that the matter is still open to debate. (See the interesting paper by G. H. Wheeler, 'Gildas de Excidio Britanniae, c. 26,' *English Historical Review* XLI, 1926, 497–503). No one can question his right to his own opinion, but neither can one take very seriously the conclusions of a scholar who deals with real *cruces* in so off-hand a fashion, while he finds time to discourse at length about comparatively unimportant matters.

One's distrust of the author as a guide and one's fear that he has taken his task too lightly, are increased when one discovers that he neglects — either through inadvertence or carelessness — the work of scholars whose studies merit the closest attention. In his discussion of Badon for instance (pp. 197–201), he appears to make no use of the paper by the late W. H. Stevenson, 'Dr Guest and the English Conquest of South Britain' (*English Historical Review*, XVII, 1902, 632–642), which gives the best summary of the whole matter that has ever appeared. It looks as if he had read about Stevenson's article somewhere, since he uses one of the arguments in a confused way, vaguely attributing it to 'philologists' (p. 199); but a digested knowledge of it he does not show. His own account, like too many other passages in the book, lacks discrimination as well as conciseness.

Occasionally, moreover, he is betrayed into slips that can be due to nothing whatever save carelessness. A good example of this occurs on page 156, where he says of the pseudo-Boron prose cycle that it is 'not necessarily by Boron's own hand.' Had he gone no further than Bruce, *The Evolution of Arthurian Romance* (Baltimore, 1923), I, 458, he could

never have made this statement. Yet his dependence on Bruce at many points is necessarily great, and is acknowledged. Again, I fail to see how, if he had read conscientiously the authorities he himself cites, he could write so loosely of the identification of Run map Urbgen with St Paulinus, as he does on page 10. A ninth-century chronicler may be forgiven such absurdities more easily than a modern scholar.

In spite of the incoherence and carelessness of which I have been complaining, the book might still have been very useful by reason of the collection of documents with which it ends. It was an excellent notion to gather these scattered texts for the convenience of scholars, though the value of it would have been immensely increased if the collection had been made complete rather than representative. The success of the plan depends, however, on the faithfulness of its execution. The extracts (save that from Geoffrey of Monmouth's *Historia*, which is taken from *MS. Cotton Titus C. xvii*) purport to be simply reproductions of texts as printed. There is no hint of further editing by Sir Edmund Chambers or of collation with the original manuscripts. One expects, therefore, to find the records reproduced *literatim*, and one would be satisfied, were this the case. I regret to report that they cannot be trusted. I have taken the trouble to collate nine of the passages, and have found only two of them to be quite impeccable: those from Bede's *Ecclesiastical History* and Henry of Huntingdon. Errors have been made and liberties have been taken that are the more distressing because they appear in a work signed by a scholar of ripe experience. Their nature can be seen from the note printed below.[1] That most of them are trivial does not affect the situation materially: one cannot use a quotation unless it be an exact quotation. It is fair to assume, moreover, that the extracts not collated are no more trustworthy than those I have examined. All in all, the records, like the author's own expository

[1] In ii, Gildas: p. 235, l. 23, *namque* omitted between *Initur* and *consilium;* p. 236, l. 2, *quinquaginta* for *quinquaginta*, l. 10, *velut* for *veluti;* p. 237, l. 6, [Ch. xxvi] omitted before *Ex.* In iii, Bede: p. 237, Mommsen's text repunctuated without notice. In iv, Nennius: p. 238, reference incorrect, being iii, 111, instead of iii, 199; p. 240, l. 1, *congregabat* for *congregavit.* In vii, Lifric of Llancarfan: Chambers fails to note that he has adopted corrections of Rees's very faulty text printed by K. Meyer, *Y Cymmrodor*, XIII (1900), 77–80, namely *Keneder* for *Reneder* (p. 244, l. 29), *tribuendas* for *tribundas* (p. 245, l. 3), *Chei et Bedguur* for *Kei et Bedwir* (p. 245, ll. 24, 25); he has furthermore changed *e* to *ae*, and *c* to *t* throughout the passage, but by no means consistently; p. 244, l. 12, *nullusque* for *nulloque*, and l. 13, *praedicti* for *predigesti* (both obvious improvements, but made silently); p. 245, l. 18, *plerisque* for *pluribusque*, l. 20, *quatenus* for *quatinus*, l. 24, *occurrerunt* for *occurrerent;* p. 246, l. 14, *quae* for *qui.* In ix, *Life of St Illtud:* p. 248, ll. 1, 2, phrase in brackets inserted and apparently composed by Chambers, l. 5, *abundantiam* for *habundantiam.* In x, *Life of St Padarn:* p. 248, *ae* twice for *e* and *t* once for *c.* In xiv, Geoffrey of Monmouth, *Vita Merlini:* pp. 256–258, punctuation and capitals supplied without notice; p. 257, l. 14, *laesum* for *lesum*, although *e* is elsewhere in the passage left unchanged.

text, leave much to be desired. The pity of it is that by taking more pains, Sir Edmund Chambers might have given us a volume of great importance to scholarship. His judgment on many questions is very sound, and some of his suggestions are valuable. Only this is true: the book is nearly useless in its present form.

GORDON HALL GEROULD,
Princeton University.

KARL STRECKER, ed., *Die Cambridger Lieder*. Berlin: Weidmann, 1926. Pp. xxvi, 138.

UNTIL two years ago any honest amateur of mediaeval Latin verse knew there were five difficult tasks of editing that remained to be accomplished before modern students could hope to realise in any vital sense the manner and the meaning of the long carry of Roman and Romanising and Romanesque poetry from the silver latinity of Nero's day to that graceless catachresis of goliardic idiom which vies more successfully than is often granted with the sudden upthrust of twelfth-century vernaculars. These five difficult tasks of editing were (*a*) a text of the *Carmina Cantabrigiensia;* (*b*) a text of the *Carmina Burana;* (*c*) a text of the Queen Christine; (*d*) a corpus of secular Latin lyric types — idyll, elegy, epigram, personalised narrative and song — from Petronius to Hildebert; (*e*) a corpus of secular Latin epic types for the same period. And not until we have the last two of these five tasks done shall we be able to speak sanely of a fine development of eleven hundred years of western European poetry unaffected by Roman ruin, barbarian darkness, and tribal migration.

Until two years ago, I imagine, no real amateur of mediaeval Latin verse had the slightest expectation of living to see even one of the five difficult tasks adequately achieved. When it came to editions, scholars seemed curiously irresolute — fools rushed in but angels feared to tread. Millions of hymns and uncounted swarms of clerical effluvia were industriously exposed to light; the Monumenta went its anointed way; germanistic Wilamowitzes all the way from Winterfeld to Brinkmann generalised at random; Breul attempted a splendidly conceived but weakly executed volume. But the pundits like Delisle and Hauréau, Meyer of Speier and Traube balked at assembling cogent editions of transitional Latin poetic genres, and first as last the five great tasks remained undone.

And then came Karl Strecker's unassuming edition of the Cambridge songs, in its outer appearance reminding one somewhat of the country cousin from Husum if compared with the glorious garb of Breul's effort. But despite its dress here was a job undertaken in the full stride of scholarly endeavor — closing up the Poetae, a second edition of the *Waltharius*, the letters of Froumund, the first volume of Gautier de Châtillon. And it is a job very well done, for the whole background of the past is in it. Not one

judicious word regarding the Cambridge songs has ever been written in vain, since every one of them now lies embalmed in the amber of Strecker's preface and text, notes and appendices. Besides which, while I cannot say that the whole pathway investigators must yet travel towards a final unravelment of these songs is clearly illumined by Strecker's work, I must confess the pathway is thoroughly indicated by it. I marvel at his saneness and his comprehension of the problems involved. And I rejoice that the rich first fruits of the new interpretation of eleventh-century Latin balladry, verse that hardly anticipates the thud and beat of imminent vernacular renascence, come not from the neoterici, but out of the old school, the old training, the old wisdom. Strecker, *er lebe hoch!*

Like a goodly number of other soi-disant critics of mediaeval poetry, I could write perhaps as many pages in questioning Strecker's annotations as their author has used in the propounding of them. But I find few if any instances where I think such logomachy might actually help to establish a better text than his, and ordinarily one man's conjectural emendations are no wiser than another man's, unless one of the two play the fool. Once or twice I am innocently disturbed by Strecker's dogmatising — as, for instance, when he writes that Traube has put an end to wild imaginings regarding just that poem (page 106, line 29) about which I could sweat together a long monograph agreeing in no single point with any interpretation of the content since Niebuhr. But, after all, Strecker's main object seems to have been to furnish us a convenient, usable text of a very important group of poems which until recently have suffered cavalier treatment from incompetent critics. And this object he has notably achieved.

PHILIP S. ALLEN,
University of Chicago.

A. W. GOODMAN, ed., *Chartulary of Winchester Cathedral.* Winchester: Wykeham Press 1927. Pp. lxviii, 284.

THIS chartulary is a register of about 550 documents compiled at Winchester Cathedral during the last years of the thirteenth century and the first half of the fourteenth. While the documents largely originated in this period, they go back in decreasing numbers to a few charters of the tenth century. As we should expect of the records of a mediaeval cathedral closely associated with the royal family, there is much of interest for local and national historians.

Canon Goodman gives a history and description of the chartulary manuscript, illustrated with facsimiles of several typical pages. He outlines the chartulary's chief contribution to our knowledge of English history, the diocese of Winchester, the Cathedral Church, St Swithin's Priory, and the

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city of Winchester, with sympathetic care. This presents an illuminating outlook over the wide interests of the cathedral, its bishops and chapter: it includes the names of serfs and yeomen as well as those of nearly every contemporary pope and English king. The explanatory portion is excellent, and interesting even for a general reader.

The documents, we feel, should have been prepared to meet the needs of the scholars who will probably constitute a large proportion of the readers of this section of the *Chartulary*. Scholars require a transcription of the Latin or French, rather than English summaries and translations, although they will be thankful for the documents which the editor has elected to transcribe. The Latin phraseology in many cases is important, not mere "verbiage and expressions of common forms," since much legal terminology had in this period not yet hardened into technical definition; therefore the editor's practice of "anglicizing the terminations of proper names" in their Latin form is confusing: it results in neither Latin nor English, as is shown by his example, *Salesberia* (Salisbury) to *Salesberie*.

The careful index to surnames is less convenient than an index to given names would have been; the latter are, after all, the constants of mediaeval personal nomenclature. Another inconvenience would have been avoided if the editor had arranged the documents chronologically, since the original order is clear from the synopsis.

For use on the spot in matters of history, topography, and genealogy by persons who are in a position to be able easily to check readings against the chartulary manuscript, Canon Goodman has produced a most satisfactory book; for students who live far from Winchester it has very serious defects.

JOSIAH C. RUSSELL,
Colorado College.

W. H. B. BIRD, ed., *The Black Book of Winchester*. Winchester: The Wikeham Press, 1925. Pp. 241.

J. S. FURLEY, ed., *The Ancient Usages of the City of Winchester from the Anglo-French Version preserved in Winchester College*. Oxford: Clarendon Press, 1927. Pp. 68.

IN the writing of town histories we have had three periods. First, there was a time when local records and happenings were set down incompletely and uncritically, although in some cases accurately, and without much reference to conditions in other centres. Then came scholarly comparative studies of urban institutions. And finally, there is the editing of texts of particular town records with some reference to developments in other places. The two books under review belong to the third period. Although the history of Winchester is near to the heart of national beginnings, there is no adequate literature on its institutions or development. The publica-

tion of the two volumes under review will be of some assistance later in the composition of a well-rounded history of the old-time capital.

The Black Book, probably compiled in the early sixteenth century, has until now remained only in manuscript form. Of course, it has been well known and used by many scholars. It consists of documents in Latin, Norman-French, and English, which were apparently put together to make up a book of reference for the Mayor of Winchester. Although some of the documents are from royal sources, most of them are records of the proceedings in the Burghmoot of Winchester. They set forth the civic constitution, the regulation of trade and industry, and the town tolls. The story which we read between the lines as well as in the sources themselves is a sad one. Winchester had not only ceased to be important politically, but it had failed to hold its own economically. The cloth trade had declined; and, in the face of Southampton's rivalry, Winchester could make no progress in the wool trade. In the period covered by the book, about 1400–1550, there was no virility either in material or non-material culture.

The introduction to *The Black Book* is brief and of little help. Since elongations of the words in the text are not indicated, the careful scholar must still go for a final reading to the original manuscript in the British Museum. We are grateful to the editor, however, for putting down the exact or approximate date of each document. The glossary is made up of explanations from old and in some cases doubtful sources.

The Ancient Usages of the same city are all found on one single piece of vellum, 21 inches by 19, reproduced here in facsimile. And yet they constitute the basis of a book, as a memorial to our expansive editorial scholarship. The customs here set forth were instituted not later than the twelfth and thirteenth centuries, being probably set down about 1275. They have been published in full twice and often noted by scholars. Neither logical in arrangement nor complete in detail, they tell the same story as *The Black Book*, though of course for an earlier period. One remarkable and still unexplained item in the *Usages* has reference to four houses in the merchant gild. The editor has done a good job in providing us with an accurate text. Failure to indicate elongation is not serious, because they have been few in number and obvious in meaning. The translation, notes, and introduction are all carefully done. Mr. E. W. Patchett of University College, Southampton, has provided a rather full glossary of interest to both historian and philologist. The volume is almost a model of scholarly work.

N. S. B. Gras,
Harvard University.

E. HOEPFFNER and P. ALFARIC, edd., *La Chanson de Sainte Foy.* Tome Ier: *Facsimile du manuscrit et texte critique. Introduction et commentaire philologiques* par Ernest Hoepffner; pp. 80, viii, 376. Tome II: *Traduction française et sources latines. Introduction et commentaire historiques* Prosper Alfaric; pp. 80, vi, 206. (Publications de la Faculté des Lettres de l'Université de Strasbourg: Fascicules 32 et 33). Paris: Société d'Edition; Les Belles Lettres, 1926.

THIS book, a product of the collaboration of two eminent scholars and members of the Faculty of Letters at the University of Strassburg, is, in respect of its methods, one of the most searching and one of the most truly comprehensive studies that have ever appeared in the domain of Romance Philology. Few have surpassed it in minuteness of attention to linguistic, literary, and historical detail. Professor Hoepffner has anticipated the possible criticism that the work done by him and his colleague may seem too vast for the subject. He is right in maintaining the validity of their task, and all Romance scholars should welcome their accomplished labor as a model of its kind and as an extremely useful tool for Romance Seminaries. The little Provençal poem on Saint Fides, although not published in its entirety until after its discovery in 1901, by the noted Portuguese savant, Leite de Vasconcellos, is a Romance document of prime importance in view of its early date (the 11th century). This fact was apprehended as far back as 1581, when Claude Fauchet first called attention to it. Fauchet was not able to allocate the document linguistically, but, on the basis of a fragment published by him, the Provençal specialist, Raynouard, rightly adjudged it to the Provençal language and literature. After his happy rediscovery in 1901 of the complete poem in a manuscript of the Library of the University of Leyden, Leite de Vasconcellos made it public in volume 31 of *Romania* (1902). He contemplated another and definite edition, but relinquished the task to one of the most thoroughly competent of living students of Provençal and a master of all branches of Romance philology, the veteran professor of the University of Paris, Antoine Thomas. As a volume of Mario Roque's very valuable series of *Classiques Français du Moyen Age*, Thomas put forth, in 1925, his admirable edition with a facsimile, a modern French translation, notes, and a glossary. Messrs Hoepffner and Alfaric had engaged in the preparation of their edition without knowledge that Professor Thomas had his in hand, and the result is that now we have two editions subserving different and useful ends.

In the first of the two volumes before us, Hoepffner begins with a paleographical study of the unique manuscript, and then enters into a full discussion of the phonology, morphology, and syntax of its language. The methods of versification applied by the anonymous poet, his general technique, and his personality are next considered. Eleven photographic plates give us a facsimile of the MS., which is followed by the critical text,

a Glossary, and an Index of Proper Names. The Text shows some 593 verses of rhymed octosyllables in 55 stanzas; Thomas's edition has them arranged in 49 stanzas. Alfaric concerns himself, in Volume II, with an attempt to localize the composition of the document and to establish the date of composition. Thomas was content to place the date in the second third of the 11th century; Alfaric inclines to fix it in the neighborhood of 1060. The sources of the Provençal poem, says Alfaric, embrace, among others, a Latin poem on the Saint (*Passio Metrica Sanctorum Fidis et Caprasii*) and a Latin prose account of her passion, both of which he prints. He carries further the examination of the personality and aims of the author which Hoepffner makes in Volume I, and he adds a complete modern French translation with copious and elaborate footnotes.

Not a little interest attaches to the Appendix (II, 173–176) in which Alfaric passes in review certain of the ideas expressed in Thomas's edition, which came to his cognizance too late to be utilized in the body of his own work. Alfaric has the satisfaction of finding that there is no wide divergence of views respecting the place and date of the composition of the poem between himself and his collaborator on the one hand and Thomas on the other. As to the sources of the poem Alfaric has to differ with Thomas; he rejects the idea of dependence upon the *Breviarium* of Eutropius held by Thomas and argues for a connection with the work, *De mortibus persecutorum* of Lactantius. He points out that Thomas makes no mention of the Latin poem on Saint Fides, and insists that it was certainly one of the sources. There are briefly mentioned some other differences of opinion between them. In particular, Alfaric does not deem the poet so pedantic or incoherent as Thomas seems to think him, and he believes that Thomas has not given adequate attention to the historical setting of the poet's work. To this we may say that limits of space naturally imposed by the exigencies of the series in which he published his edition precluded Thomas from making so full a study of the bearings of the Provençal poem as the two Strasbourg professors with their unlimited opportunity were able to make. Limits of space will also prevent us from reporting more in detail upon the thorough-going studies of Hoepffner and Alfaric. Before closing, however, we cannot refrain from indicating that the interpretation of the verb form *declin* (pres. subj. 3d sing. of *declinar*) in the fourth line of the poem may help to decipher the meaning of the form of the verb *decliner* which occurs in the last line of the *Chanson de Roland*. Our Provençal poem begins:

Legir audi sotz eiss un pin
Del vell temps un livre latin;
Tot l'escoltei tro a la fin:
Hanc non fo senz q'el non.l declin.

That is: 'Under a pine tree I heard read a Latin book on olden times. I listened to it to the very end; there was no meaning that it did not explain.' Hoepffner comments (I, 253): 'L'emploi de *declinar* antérieur à la *Chanson de Roland*, dans le sens de "faire connaître, révéler," est de nature à mettre fin à la controverse engagée au sujet du dernier vers du *Roland* (cf. Holbrook, *Modern Philology* XX, 1923, 155, et J. Salverda de Grave, *Turoldus*, dans *Mededeelingen der Akademie van Wetenschappen*, Afd. Letterkunde, 57, A, No. 1, 1924).' Those who favor the interpretation 'sets forth,' or something of the sort, for the verb in the *Roland* will not be displeased to find at least a little corroboration of their view in the evidence presented by our poem on Saint Fides.

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H. C. Lawlor, *The Monastery of Saint Mochaoi of Nendrum*, with a foreword by R. A. S. Macalister, Belfast: The Belfast Natural History and Philosophical Society, 1925. Pp. xxviii, 187.

It is doubtful whether the excavations at Nendrum, never a monastery of the first importance, quite justify the labor Mr Lawlor has expended upon them. They were undertaken chiefly because Nendrum is privately owned, whereas such major sites as Clonmacnoise or Monasterboice are inaccessible to the archeologist because of the recent cemeteries which cover them.

The work, however, did disclose some interesting facts. The discoveries range in date from about the sixth to the sixteenth centuries. Surrounding the monastic precincts are three concentric cashels, which may date even from pre-Christian times. There is the stump of a round tower, of slight architectural character, for which no closer date has been conjectured than the customary [1] 'eighth or ninth century'; and the foundations of a rectangular church which conform to the usual Irish plan. Of greater interest, however, is a number of smaller objects, among them a Runic inscription, the second to be discovered in Ireland; an iron sanctuary bell, which bears evidence of a very early date; a sundial with curious markings; several short knife-blades; and the fragments of a number of stone tablets, incised with drawings of animals and familiar Celtic designs in spirals and interlaces. These last were found on the site of a building which Mr Lawlor takes to have been a schoolhouse. He conjectures further that the short knife-blades were used for wood carving. If he is right we have evidence of the existence of an art which, considering the prevalence of wood architecture, one would expect to have flourished in early Christian Ireland.

[1] *Life of St Columba, Founder of Hy*, written by Adamnan and edited by William Reeves, Edinburgh, 1875.

The excavations, as Mr Lawlor describes them, were careful and complete. His book evidences comprehensive research on the documentary history of Nendrum, and on the life of St Mochaoi as well. And he confirms the conjectures which Bishop Reeves had already made from literary sources on the internal economy of an Irish monastery and adds some new and significant details.

ISAAC WATKINS,
Harvard University.

ELEANOR PRESCOTT HAMMOND, *English Verse between Chaucer and Surrey, Being Examples of Conventional Secular Poetry, exclusive of Romance, Ballad, Lyric, and Drama, in the Period from Henry the Fourth to Henry the Eighth, edited with Introductions and Notes.* Durham, North Carolina: Duke University Press, 1927. Pp. xii, 591. $6.50.

THOUGH lying somewhat outside the main interests of SPECULUM, Miss Hammond's recently published anthology of formal English verse from *ca.* 1400 to *ca.* 1550 should be noticed by all readers of these pages; for we have here for the first time in commonly accessible form a rich collection of material illustrating important, yet in the past somewhat neglected, literary genres of the later — one might almost say latest — Middle Ages in England.

A general Introduction — where social and literary conditions and social and literary changes in the fourteenth and fifteenth centuries, as well as certain important technical problems of the metrics of the period are most suggestively analysed — prepares the reader for almost five hundred pages of text selected from Walton, Hoccleve, Lydgate, Burgh, Shirley, Hardyng, Ripley, Hawes, Nevill, Copland, Barclay, Skelton, Cavendish, Henry Lord Morley, and among the anonymous writings, translations of Palladius on *Husbandry* and of Charles d'Orléans, *The Lover's Mass*, *Libel of English Policy*, and the *Court of Sapience*. In printing the texts themselves, the editor, in many cases also copyist, has followed the best available MS. *verbatim et literatim* and without modern punctuation, thus leaving the student to share as much as possible in the editorial problems. Rich notes and a select glossary are included.

Special mention should be made of the 'List of Authorities and Select Reference List' (pp. 540 ff.), as well as the special reference lists and bibliographies included in the capital introductions to the individual authors and works. Pending the appearance of a bibliography of fifteenth-century English literature, this last constitutes an invaluable feature.

The choice of selections and of individual pieces to be included in such an anthology is not a matter to enter into here; yet in connection with the influence of Boccaccio, might not a specimen of the anonymous metrical paraphrase (*ca.* 1440) of part of the *De Claris Mulieribus* (ed. Gustav

Schleich, *Palaestra* 144, Leipzig, 1924) perhaps find place in a second edition? Would it not be worth while to mention in the 'Select Reference List' F. J. Snell's useful outline of the period in his *Age of Transition;* also under ten Brink to specify Brandl's revision of Bernard ten Brink's *Geschichte der Englischen Literatur?*

The present work cannot but stimulate research in the literature and language of this pedestrian period, in many respects however, as emphasized in the General Introduction, so important for a rounded view of the Middle Ages and their relation to the Renaissance. Miss Hammond's name on the title-page virtually guarantees the scholarship; the exceedingly attractive form of the volume corresponds to what we have come to expect from the issuing press.

F. P. Magoun, Jr.

ANNOUNCEMENT OF BOOKS RECEIVED

Under this heading SPECULUM will list the titles of all books and monographs on mediaeval subjects as they are received from author or publisher. In many cases the titles here listed will be reviewed in a future issue.

K. Bartsch, *Wolframs von Eschenbach Parzival und Titurel*, Vierte Auflage bearbeitet von Marta Marti, Leipzig: F. A. Brockhaus, 1927. Pp. lxiv, 371.

J. C. Boyce, *The English-German Nation in the University of Paris during the Middle Ages*, Bruges: The Saint Catherine Press, Ltd., 1927. Pp. 232.

B. D. Brown, ed., *The Southern Passion*, edited from *Pepysian MS. 2344* in the Library of Magdalene College, Cambridge, Early English Text Soc., Orig. Ser., 169, London and New York: Oxford University Press, 1927. Pp. cxii, 124. $6.00.

W. E. Brown, *The Achievement of the Middle Ages*, London: Sands & Co., 1928. Pp. 240. 5/-.

M. W. Bundy, *The Theory of Imagination in Classical and Mediaeval Thought*, University of Illinois, Studies in Languages and Literature, Vol. XII, Nos. 2–3, Urbana: University of Illinois Press, 1927. Pp. 289. $3.00.

J. L. Connolly, *John Gerson, Reformer and Mystic*, Louvain: Librairie Universitaire, 1928. Pp. xiii, 408.

M. V. Hay, *A Chain of Error in Scottish History*, London and New York: Longmans, Green & Co., 1927. Pp. xx, 243. $4.20.

A. Hoffmann, *Liturgical Dictionary*, Collegeville, Minn.: The Liturgical Press, 1928. Pp. vi, 186. $2.25.

Kultur- und Universalgeschichte, Walter Goetz zu seinem 60. Geburtstage dargebracht von Fachgenossen, Freunden, und Schülern, Leipzig: Teubner, 1927. Pp. iv, 567.

C. G. Lowe, ed., *A Byzantine Paraphrase of Onasander*, Washington University Studies, New Series, Language and Literature, No. 1, St. Louis: Washington University, 1927.

F. A. Ogg, *Research in the Humanistic and Social Sciences*, Report of a Survey conducted for the American Council of Learned Societies, New York: The Century Co., 1928. Pp. viii, 454.

L. J. Paetow, ed., *The Crusades, and Other Historical Essays, presented to Dana C. Munro by his former Students*, New York: F. S. Crofts & Co., 1928. Pp. viii, 419. $5.00.

C. Robinson, ed., *The Great Roll of the Pipe for the Fourteenth Year of the Reign of King Henry the Third, Michaelmas 1230 (Pipe Roll 74)*, Publications of the Pipe Roll Society, New Series, Vol. IV (1927), Princeton: Princeton University Press, 1927. Pp. xxxii, 472. $10.00.

M. Roone, ed., *Libro del Poema Chiamato Citta di Vita Composto da Matteo Palmieri Florentino*, transcribed from the *Laurentian MS. XL, 53* and compared with *Magliabechian II, ii, 41*, Part I: Books I–II, xv, Smith College Studies in Modern Languages, Vol. VII, Northampton, Mass.: Smith College, 1927. Pp. xxiii, 241.

J. C. Russell, *Three Short Studies in Mediaeval Intellectual History*, Colorado College Publication, Social Science Series, Vol. III, No. 2. Colorado Springs: Colorado College, 1927. Pp. 22.

J. T. Shotwell, L. R. Loomis, *The See of Peter*, New York: Columbia University Press, 1927. Pp. xxvi, 737. $10.00.

J. Siemienski, *Les Symboles Graphiques dans les Editions Critiques de Textes*, Warsaw: Fondation J. Mianowski, 1927. Pp. 50.

K. Strecker, ed., *Die Apokalypse des Golias*, Texte zur Kulturgeschichte des Mittelalters, No. 5, Rome: W. Regenberg, 1928. Pp. 39.

W. Sturdevant, *The Misterio de Los Reyes Magos: Its Position in the Development of the Mediaeval Legend of the Three Kings*, Baltimore: The Johns Hopkins Press, 1927. Pp. vii, 130. $1.25.

J. W. Thompson, *Feudal Germany*, Chicago: University of Chicago Press, 1928. Pp. xxiii, 710. $5.00.

A. Zawart, *The History of Franciscan Preaching and of Franciscan Preachers, 1209–1927: A Biobibliographical Study*, Franciscan Studies, No. 7, New York: J. F. Wagner, Inc., 1928.

THOMAS FREDERICK CRANE, 1844–1927

THROUGH the death of Professor Thomas Frederick Crane, December 10, 1927, American scholarship has lost its dean in mediaeval literary studies. He was born in New York City, July 12, 1844. He has, himself, given a charming account of his early life in an article entitled 'How I became a Professor,' published in the *Cornell Era*, in 1909. He received his early education in Ithaca, N. Y., and in Elizabeth, N. J., and then was a student at Princeton, where he graduated in 1864, receiving from the same institution the degree of M.A. in 1867, of Ph.D. in 1883, and of Litt.D. in 1904. To prepare himself for the legal profession he entered the Columbia Law School, but having been called in January, 1865, by the illness of a relative, to Ithaca, he continued his law studies there, in the office of Mr F. M. Finch, later dean of the Cornell Law School, he was admitted to the bar in May, 1866, and began the practice of law. But the demands on his time were not so exacting as to prevent him from fulfilling in turn the duties of Assistant-Deputy-Collector of Internal Revenue, and of a sort of secretary of Cornell University, on the eve of its formal opening. From boyhood an omnivorous reader, he had continued his study of French, commenced at college, and had made substantial progress in his independent study of German and Spanish, so that such unusual interests in a lawyer led Mr Andrew D. White, the president of the newly founded university, to offer him the position of Assistant Professor of Spanish and German, on the opening of the university in October, 1868. He served with that rank, with various changes of title, until 1873, when he became Professor of Spanish and Italian. In 1884, he was appointed Professor of Romance Languages, and head of the department, a position he filled efficiently until his retirement in 1909. From 1896 to 1902 he was Dean of the College of Arts, and from 1902–1909, Dean of the University Faculty, while in 1909 and 1912–13, he was Acting-President of the university. Mr Crane was elected a Fellow of the Mediaeval Academy of America on April 30, 1927.

Professor Crane did not need to allege his teaching and administrative duties as an excuse for not doing his share of productive scholarship. His solid reputation for scholarship rests primarily on the work he did in a field of mediaeval literature, on which he was the first to lay due emphasis in his 'Medieval Sermon-Books and Stories,' read before and published by the American Philosophical Society in 1883. His edition of *The Exempla of Jacques de Vitry*, published by the Folk-Lore Society in 1890, became at once an authoritative work, on account of its well-informed introduction on the development and authors of this type of literature, and the rich garner of analogues gathered together in the notes. Supplementary to this work of such value to students of both mediaeval literature and of folk-lore, he published, several years later, other contributions to a special branch of the field, in his edition of 'Miracles of the Virgin,' *Romanic Review* II (1911), 235–279, and in his last book, published in 1925, an edition, with introduction and notes, of the rare *Liber de Miraculis Sanctae Dei Genetricis Mariae, published at Vienna, in 1731 by Bernard Pez.* In the more general field he not only called attention in generous reviews to works devoted to the subject, but also wrote articles based either on the most important of these contributions, such as those on 'Mediaeval Story-Books,' *Modern Philology* IX (1911), 225–237, and 'New Analogues of Old Tales,' *ibid.* X (1913), 301–316, for which J. A. Herbert's indispensable third volume of the *Catalogue of Romances* and J. Klapper's *Exempla aus Handschriften des Mittelalters* formed respectively the basis, or presented an orientation of the whole field in his 'Medieval Sermon-Books and Stories and their Study since 1883,' fittingly published in the *Proceedings of the American Philosophical Society* LVI (1917), 369–402.

But his scholarly interests were not confined to mediaeval folk-lore as is shown by his numerous articles and reviews of collections of popular tales and poetry, published in a number of journals in the course of over fifty years, by his position as co-editor of the three volumes (1888–1890) of the *Journal of American Folk-Lore*, and by his *Italian Popular Tales* (1883). The last mentioned is not only one of the best selections of stories for the young: its introduction

and notes provide an attractive and informing guide to the comparative study of the genre for older readers.

His wider interests not only in literary but also in cultural history are shown in his seven-hundred page *Italian Social Customs of the Sixteenth Century, and their Influence on the Literatures of Europe* (1920). If his editions of *Les Héros de Roman, Dialogue de Nicolas Boileau-Despréaux* (1902), and of *Jean Rotrou, Saint Genest and Venceslas* (1907), and his collections of selections: *Tableaux de la Révolution Française* (1884), *Le Romantisme Français* (1887), *La Société Française au XVII Siècle* (1889), and *Chansons Populaires de la France* (1891) were published primarily as college text-books, they all bear the stamp of his conscientious, industrious scholarship.

No one could be more meticulous and methodical than was Professor Crane in collecting and arranging the material not only for his published works, but also for a number of projected but unfinished articles and books. His separate note-books for the many subjects in which he was interested, in which he would jot down a new item as he came across it, his alphabetically arranged list of analogues to a thousand and one stories, written on slips, or in loose-page note-books, enabled him to use promptly for his own purposes, or to communicate to other scholars the results of his wide readings. On a small salary he succeeded in collecting a well-stocked library, including perhaps an unparalleled collection of books on mediaeval exempla, through which Cornell University Library was enriched some years before his death.

If such were his character and career as a teacher, administrator and scholar, he was personally a courteous gentleman of the old school, whose social, conversational, and oratorical powers made him an important figure in every university, civic, and church movement with which he was associated.

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Cornell University